



Meeting of the Regional Planning Committee

Date: Wednesday 17 April 2019
Time: 10.00am
Venue: Waipapa A Iwi Mohaka Marae
582 Mohaka Township Road, Mohaka

Agenda

ITEM	SUBJECT	PAGE
1.	Welcome/Notices/Apologies	
2.	Conflict of Interest Declarations	
3.	Confirmation of Minutes of the Regional Planning Committee meeting held on 20 February 2019	
4.	Follow-ups from Previous Regional Planning Committee Meetings	3
Decision Items		
5.	Potential Tukituki Plan Change	9
6.	Tangata Whenua Remuneration Review	87
Information or Performance Monitoring		
7.	HBRC 2019-20 Annual Plan Approach	91
8.	Overview of the Regional Three Waters Review	93
9.	Resource Management Policy Projects Update	97
10.	Statutory Advocacy Update	103

Parking

There will be named parking spaces for Tangata Whenua Members in the HBRC car park – entry off Vautier Street.

Regional Planning Committee Members

Name	Represents
Karauna Brown	Te Kopere o te Iwi Hineuru
Tania Hopmans	Maungaharuru-Tangitu Trust
Nicky Kirikiri	Te Toi Kura o Waikaremoana
Jenny Nelson-Smith	Heretaunga Tamatea Settlement Trust
Joinella Maihi-Carroll	Mana Ahuriri Trust
Apiata Tapine	Tātau Tātau o Te Wairoa
Matiu Heperi Northcroft	Ngati Tuwharetoa Hapu Forum
Peter Paku	Heretaunga Tamatea Settlement Trust
Toro Waaka	Ngati Pahauwera Development and Tiaki Trusts
Paul Bailey	Hawkes Bay Regional Council
Rick Barker	Hawkes Bay Regional Council
Peter Beaven	Hawkes Bay Regional Council
Tom Belford	Hawkes Bay Regional Council
Alan Dick	Hawkes Bay Regional Council
Rex Graham	Hawkes Bay Regional Council
Debbie Hewitt	Hawkes Bay Regional Council
Neil Kirton	Hawkes Bay Regional Council
Fenton Wilson	Hawkes Bay Regional Council

Total number of members = 18

Quorum and Voting Entitlements Under the Current Terms of Reference

Quorum (clause (i))

The Quorum for the Regional Planning Committee is 75% of the members of the Committee

At the present time, the quorum is 14 members (physically present in the room).

Voting Entitlement (clause (j))

Best endeavours will be made to achieve decisions on a consensus basis, or failing consensus, the agreement of 80% of the Committee members present and voting will be required. Where voting is required all members of the Committee have full speaking rights and voting entitlements.

Number of Committee members present	Number required for 80% support
18	14
17	14
16	13
15	12
14	11

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 17 April 2019

Subject: FOLLOW-UPS FROM PREVIOUS REGIONAL PLANNING COMMITTEE MEETINGS

Item 4

Reason for Report

1. On the list **attached** are items raised at Regional Planning Committee meetings that staff have followed up. All items indicate who is responsible for follow up, and a brief status comment. Once the items have been reported to the Committee they will be removed from the list.

Decision Making Process

2. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

Recommendation

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

Authored by:

Annelie Roets
GOVERNANCE ADMINISTRATION
ASSISTANT

Approved by:

James Palmer
CHIEF EXECUTIVE

Attachment/s

[1](#) Followups from Previous RPC Meetings

Follow-ups from Previous Regional Planning Committee Meetings

Meeting held 20 February 2019

	Agenda Item	Action	Responsible	Status Comment
1	Potential Tukituki Plan Change for Deferral of Minimum Flows	Taskforce letter inviting Forest & Bird National Office to the Tukituki Water Taskforce's next meeting to be shared with RPC members.	A Roets	Emailed to Committee members 14 March 2019. Reference 1 following
2	TANK Plan Change (PC9) Pre-Notification Planning Pathway	Targeted pre-notification consultation with relevant iwi authorities, territorial local authorities, and relevant Ministers of the Crown to commence early 2019	T Skerman	Request for extension considered and granted until Friday 29 March 2019.

Meeting held 12 December 2018

	Agenda Item	Action	Responsible	Status Comment
3	Tangata Whenua Remuneration Review	CE to work collaboratively with the RPC's Co-chairs to commission an independent review	J Lawrence	Recommendation for appointment of Reviewer for RPC decision on 17 April agenda.
4	Discussion of minor items not on the agenda	Written advice given to the RPC tangata whenua representatives by their technical advisors is to be made available to all RPC members dating back to August 2018.	T Skerman	Technical Advisors and Tangata Whenua Representative Co-Chair and Deputy Co-Chair have been advised of this protocol going forward. Technical Advisors' written advice will be circulated as and when relevant in future.

2 May 2018

5	Hawke's Bay Regional Planning Committee Terms of Reference for Adoption	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	T Skerman & P Munro	To be a decision item for Committee adoption on 15 May 2019 agenda
---	---	---	---------------------	--

Reference follow-up 1 above


**CENTRAL
HAWKE'S BAY**
DISTRICT COUNCIL

 Rotorua 4th Street
 P O Box 227, Waipawa 6140
 New Zealand

 Phone 05 517 6062
 Fax 05 517 0100

 info@chbdc.govt.nz
www.chbdc.govt.nz

OFFICE OF THE MAYOR

19 February 2019

Tom Kay
 Regional Manager
 Royal Forest & Bird Protection Society
 P O Box 631
 Wellington 6140

Dear Tom

We would like to extend an invitation for you to attend our community driven initiative regarding water security in Central Hawke's Bay. The Tukituki Taskforce was brought together in 2018 following concerns from multiple parties around our district about the security of access to water for the environmental, social, cultural and economic future of our Community.

The Taskforce recognises that collective action for water security is the most effective and efficient path forward for us to address these concerns. The Tukituki Catchment Plan from the Hawke's Bay Regional Council is a critical but complex tool for improving outcomes and the Taskforce has recently advocated to the Hawke's Bay Regional Council regarding implementation timeframes. We saw this necessary to assist our community in meeting the plan's policy aims. Local representatives from the Forest & Bird Central Hawke's Bay Branch are an important part of our Taskforce. We would like to give you the opportunity to see collective community voice in action at a Taskforce meeting.

Our next meeting is on Tuesday 12 March at 1pm in Central Hawke's Bay District Council in Waipawa and we would be pleased to host you at this time or another date in the future.

We look forward to hearing from you.

Kind regards

Alex Walker
MAYOR
alex.walker@chbdc.govt.nz

Debbie Hewitt
 Chair of the Tukituki Taskforce
 Hawke's Bay Regional Councillor
debbie.hewitt@hbrc.govt.nz

Item 4

Attachment 1

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 17 April 2019

Item 5

Subject: POTENTIAL TUKITUKI PLAN CHANGE

Regional Planning Committee at its meeting on 20 February 2019 did not resolve the item and so the matter was deferred to the meeting to be held on 17 April 2019.

Reason for Report

1. This report provides an assessment of the merits of proceeding with a plan change to ease the transition to the Plan Change 6 minimum flow regime for the Tukituki Catchment community, following a scoping process that sought preliminary stakeholder feedback.
2. A decision is now required on whether or not to initiate a proposed plan change to defer the application of the 2018 minimum flow regime for the Tukituki Catchment.

Executive Summary

3. Preliminary feedback has shown that the community has mixed views on the merits of making a plan change. Substantial issues have been identified that require resolution for any plan change to achieve the above objective.
4. It is unlikely that a plan change process can be undertaken quickly, and consequently staff recommend that no plan change is initiated.
5. However, if the Committee remains committed to undertaking a plan change, a preliminary options assessment is provided. Staff could also be requested to engage with all parties to find an agreeable path to enable a plan change, but this will take more time.

Background

6. In December 2018, in response to a request by the Tukituki Water Taskforce to defer application of the 2018 minimum flow regime subject to the public notification of Tranche 2 groundwater consent applications, and notwithstanding the concerns raised by the Royal Forest and Bird Protection Society, the Committee resolved 'to scope and initiate a preliminary Tukituki plan change process'.
7. The primary objective of making such a plan change is to defer the 2018 changes to the minimum flow regime for the Tukituki Catchment. The Tukituki Water Taskforce consider that this will provide for community wellbeing and enable the Tukituki Catchment community to focus on achieving the best possible long term solutions for summer water security in the catchment.
8. Plan Change 6 (PC6) for the Tukituki Catchment became operative on 1 October 2015. PC6 amended minimum flow and allocation provisions in the Regional Resource Management Plan (RRMP), providing for the following progressive changes to the minimum flow regime.
 - 8.1. Higher minimum flows for a number of rivers within the catchment to apply from 1 July 2018
 - 8.2. A 2-stage increase in the minimum flow for the Tukituki River at Red Bridge, the first applying from 1 July 2018 and a higher flow applying from 1 July 2023
 - 8.3. The final catchment minimum flow regime applying from 1 July 2023.
9. All relevant water permits in the Tukituki catchment include conditions that reflect these minimum flow requirements.
10. Late last year, a possible change to the RRMP was drafted as a starting point for seeking preliminary feedback. Table 5.9.3, in Chapter 5 of the RRMP could be changed so that references to when the minimum flows apply are deferred for a further two

irrigation seasons, to 1 July 2021. This possible change is shown in *Attachment 1: Possible proposal for deferral of Tukituki minimum flow regime*.

11. Given the proposed plan change's primary objective, a swift and efficient plan change process is essential. An elongated process or a process with significant opposition risks not changing the RRMP within sufficient time to have any benefit. To that end, it is fundamental to proceed on any such process with the support of all parties, or with only minimal opposition.
12. There has been some consternation about the proposed deferral period being two summers beyond the current 2018-19 summer. Staff determined that it would be practically impossible to make the plan change operative for the 2019-20 irrigation season alone as it would only provide relief for about half an irrigation season *even if* the plan change had no significant opposition. Accordingly, staff sought community feedback on the basis of a two year deferral from now (to 1 July 2021) so that the benefits could be reasonably balanced against the costs of undertaking a plan change. This issue is picked up again in the Discussion section that follows.
13. In order to ascertain support or opposition for the proposed change, a letter/email was sent to approximately 500 people and organisations in mid-January 2019, with a request for feedback by 1 February 2019 (refer to Attachment 2). Those contacted were:
 - 13.1. Parties who participated in the 2013 Board of Inquiry proceedings for the Tukituki Catchment Proposal
 - 13.2. Iwi authorities on behalf of tāngata whenua who may have an interest in the Tukituki catchment
 - 13.3. All holders of water permits to take and use water in the Tukituki catchment, whether from ground or surface water bodies.

Preliminary Response

14. By Tuesday 12 February 2019, a total of 55 people and organisations had responded via letter, email or telephone call. Of those responses, 21 generally supported the proposal to defer, 29 generally opposed the proposal and 5 took a neutral position, neither in support nor opposition. Their responses are summarised in Table 1 following.
15. Note that responses from tāngata whenua representatives on this committee and taiwhenua leaders are discussed later in this report under Considerations of tāngata whenua (paragraph 34), and have not been included in Table 1.

Table 1: Summary of responses

Position	Number of responses	Response by organisation or agency
Support deferral	18	Hawke's Bay Vegetable Growers Association Environment Defence Society Central Hawke's Bay District Council
Support deferral by 1 year (1 July 2019)	1	
Support deferral by 2 years (1 July 2020)	1	Hawke's Bay Fruitgrowers Association
Support with additional method	1	Hawke's Bay Fish & Game Council
Neutral / neither in support nor opposition	2	Hastings District Council
Neutral, more information required	3	Department of Conservation
Oppose deferral	22	Te Taiao Environment Forum Ngāti Kahungunu Iwi Inc.
Oppose deferral, or Taskforce to sign contract	1	

Position	Number of responses	Response by organisation or agency
Oppose deferral, additional method necessary	6	Royal Forest & Bird Protection Society: <ul style="list-style-type: none"> Central Hawke's Bay Branch National Office
TOTAL RESPONSES	55	

16. **In support of the possible plan change**, further comments provided by respondents addressed the following themes.
- 16.1. Benefits for the wider Central Hawke's Bay community
- 16.2. Information on the nature of water resources available within the catchment is continuing to change
- 16.3. The need for more time to consider and implement appropriate individual or communal water management solutions
- 16.4. The need for an additional method setting out the implementation programme to meet the 2021 timeframe
- 16.5. The 2023 Tukituki minimum flow requirement remains unchallenged.
17. **In opposition to the possible plan change**, further comments provided by respondents addressed the following themes.
- 17.1. The need to treasure and protect the river and water resources, and avoid continuing degradation
- 17.2. The need for more information to justify any transition
- 17.3. There has been sufficient time to transition from 2013
- 17.4. The need to comply with the Board of Inquiry's decision and give effect to the National Policy Statement on Freshwater Management
- 17.5. The need to consider longer term and wider community benefits, including the impact on the people in Tikokino and Ongaonga
- 17.6. The cost and precedent set of changing the plan
- 17.7. Dissatisfaction about process including the scope and decisions of the Tukituki Taskforce.
18. Respondents' other feedback that does not directly relate to the deferral proposal included requests for further commitments from the Council to enable the transition, and comments on resource consenting matters and communication modes.
19. Staff note the continued dissatisfaction of the Royal Forest and Bird Protection Society (locally and nationally) with the processes that have led to this plan change proposal.
20. A copy of all written responses is attached.

Discussion

21. Based on preliminary responses, there is serious doubt about whether the primary objective for initiating the plan change is achievable.
22. While a number of key stakeholders have indicated general or qualified support for deferral of the 2018 minimum flow regime (e.g. Hawke's Bay Fish and Game Council, Environmental Defence Society, Hawke's Bay Vegetable Growers Association, Hawke's Bay Fruitgrowers Association), the position of other key stakeholders cannot be ignored (e.g. Royal Forest and Bird Protection Society, Ngāti Kahungunu Iwi Inc, Te Taiao Environment Forum), nor can the requests to adhere to the Board of Inquiry decision be dismissed lightly.

23. While some hold the view that the Board of Inquiry decision should simply be left alone, others have indicated that a number of significant issues would need to be resolved prior to their supporting a plan change. These include requests to:
 - 23.1. Include methods setting out an implementation programme describing in some detail how the transition to 2021 will be achieved and to obtain information about groundwater connectivity
 - 23.2. Detail how the life-supporting capacity of freshwater will be safeguarded, and how adverse effects would be avoided, remedied or mitigated (over the deferral period)
 - 23.3. Ascertain how biodiversity will be protected, how minimum flows will be complied with, and how water takes can be equitably shared between surface and groundwater users
 - 23.4. Make public notification of Tranche 2 groundwater consent applications a condition of support for a proposed plan change to defer the 2018 minimum flow regime.
24. While these are all related resource management matters, such requests would extend the scope of the plan change considerably and require more work upfront to prepare any change for notification. Regarding Tranche 2 applications, resource consent notification decisions are a separate matter for plan implementation, not plan making.
25. Now that staff have had the opportunity to consider the response to the initial community consultation, in particular the position of those opposed, the prospects and merits of initiating a plan change for a deferral through to the 2020-21 irrigation season can be balanced against the likelihood of meeting the objectives of the proposed plan change.

Conclusions

26. Staff consider that notwithstanding the challenges of implementation, if the primary objective is to give time to focus on transitioning and implementing water management solutions by deferring the changes to the minimum flow regime, then:
 - 26.1. A two year deferral is highly unlikely to achieve that objective, and
 - 26.2. A one year deferral (2019-20 season only) will not achieve that objective.
27. Accordingly, staff do not recommend proceeding with the plan change as it is unlikely to achieve the primary objective, given the nature of opposition to the proposal.
28. If the Committee, based on other considerations, determines that it remains committed to undertaking a plan change, then a preliminary assessment of plan change options is attached (Attachment 4). The Committee should also identify the appropriate RMA plan-making process. The Ministry for the Environment provides a comparison summary of the planning tracks available (Attachment 5). Regardless of which track is chosen, more preparation is required in advance of presenting a proposal to either the Minister for the Environment (using the streamlined process) or prior to notification (using the standard process) if risks leading to a prolonged process are to be minimised.
29. Alternatively, prior to committing to progressing the proposed plan change, the Committee could direct staff to further engage with all parties to find an agreeable path to enable a plan change. However this additional step will in turn incur further delay and thereby jeopardise the objective of the exercise.

Strategic Fit

30. The proposal to make a plan change has arisen from the Committee's consideration of a request by the Tukituki Water Taskforce. This proposal recognises that the sustainable management of natural and physical resources, as set out in section 5 of the Resource Management Act 1991, includes with respect to enabling people and communities to provide for their social and economic wellbeing alongside other specified matters.

31. The proposal relates to the Council's first priority: 'water quality, safety and certainty', and contributes to the second and third priorities: 'smart sustainable land use' and 'healthy and functioning biodiversity'.
32. The process for progressing the possible plan change is in accordance with the values 'Partnership and Collaboration', 'Accountability' and 'Transparency'.

Considerations of tāngata whenua

33. Eleven iwi authorities and five marae considered to have an interest in the Tukituki catchment area were contacted as part of the preliminary consultation exercise in January 2019. A written response was received from Ngāti Kahungunu Iwi Inc, who was in opposition.
34. Two Te Taiwhenua o Tamatea members sit on the Tukituki Taskforce and their continued support for the plan change can be inferred from Taskforce's original letter to the Committee (contrasting that with the position of Forest and Bird at both a local and National level). Members of this Committee provided feedback in support of the proposed deferral: Toro Waaka and Jenny Nelson-Smith expressed their support to defer the commencement of the minimum flow regime by two years, as did Mike Mohi (Chair of Māori Committee).
35. Should the Council decide to further progress a plan change, statutory considerations and requirements must be completed (for example, consideration of relevant iwi planning documents, pre-notification consultation with tāngata whenua via iwi authorities, etc).

Financial and Resource Implications

36. There is no specific budget allocated in the 2018-28 Long Term Plan to develop and notify a plan change to revise the minimum flow regime for the Tukituki catchment. Either an additional source of funding would be required, or reprioritisation of the existing policy development work programme and supporting work programmes for other groups within the Council.
37. The earlier staff report to the RPC's December 2018 meeting had indicated that a plan change to defer application of the 1 July 2018 regime could cost around \$100,000 to \$150,000, exclusive of staff time or any Court proceedings. For the streamlined plan path, upfront costs will be higher to satisfy the Minister for the Environment that the process proposed is sound, thereby minimising the risk of High Court judicial review of his decision.
38. The Science work programme (overseen by the Environment and Services Committee) over the next few years will not provide additional timely information to inform this possible plan change. Rather, the science work programme involves looking at more sustainable longer term options for taking groundwater over the Ruataniwha Plains, as part of a wider programme of work for regional water security. Scheduled projects are for:
 - 38.1. New bores for Ongaonga and Tikokino to be installed summer 2018-19, to provide real time groundwater levels
 - 38.2. By the end of 2019, an upgrade of the groundwater model and roll-out for collaborative solutions
 - 38.3. A prefeasibility study for Managed Aquifer Recharge in April 2019, possibly followed by a staged development model to 2022
 - 38.4. A SkyTEM airborne aquifer survey and modelling, assessing groundwater resources (2019-2022).

Decision Making Process

39. Council and its Regional Planning Committee are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:

- 39.1. The decision does not significantly alter the service provision or affect a strategic asset.
- 39.2. The persons affected by this decision are all persons with an interest in management of the natural and physical resources for the Tukituki catchment.
- 39.3. Any decision to pursue a plan change would need to be within the overall budget for the 2018-28 Long Term Plan, however existing priorities and work programmes would be impacted.

Recommendations

That the Hawke's Bay Regional Planning Committee:

1. Receives and notes the ***"Potential Tukituki plan change"*** staff report.
2. Recommends that Council:
 - 2.1. Agrees that the decision to be made is not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that the Committee can exercise its discretion and make this decision without conferring directly with the community in addition to the feedback already provided by stakeholders.

AND EITHER

- 2.2. Agrees **to not progress** a proposed plan change to defer the 2018 minimum flow regime until 1 July 2021

OR

- 2.3. Agrees **to progress** a proposed plan change to defer the 2018 minimum flow regime by a further two years to 1 July 2021 using the **standard or streamlined path** (select one option) for plan making.

Authored by:

Dale Meredith
SENIOR POLICY PLANNER

Approved by:

Gavin Ide
PRINCIPAL ADVISOR
STRATEGIC PLANNING

Tom Skerman
GROUP MANAGER
STRATEGIC PLANNING

Attachment/s

- [1](#) Possible proposal for deferral of Tukituki minimum flow regime
- [2](#) Letter to various parties on Tukituki Minimum Flow Regime
- [3](#) Written responses to Tukituki Jan 2019 proposal contact details redacted
- [4](#) Preliminary assessment of plan change options
- [5](#) Planning tracks summary comparison

Attachment 1: Possible proposal for deferral of Tukituki minimum flow regime

Table 5.9.3: Tukituki River Catchment Minimum Flows

Surface Water Allocation Zone	Flow Management Site	Level of habitat protection	Minimum Flows (L/sec)	Period to which Minimum Flow applies
Zone 1 Lower Tukituki	Tukituki River at Red Bridge V22: 466581	Current level of protection	3500	Until 30 June 20182021
		80% habitat protection for trout upstream of Red Bridge	4300	From 1 July 2018 2021 until 30 June 2023
		90% habitat protection for trout upstream of Red Bridge	5200	From 1 July 2023
		80% habitat protection for trout between Red Bridge and Black Bridge	4300	From 1 July 20182021
Zone 1 Papanui Stream	Papanui Stream at Middle Rd V22: 278432	90% habitat protection for longfin eel (estimated equivalent)	53	Ongoing
Zone 2 Waipawa River	Waipawa River at RDS/SH2 V22: 153339	Current level of protection	2300	Until 30 June 20182021
		90% habitat protection for longfin eel	2500	From 1 July 20182021
Zone 2 Mangaonuku Stream	Mangaonuku Stream U/S Waipawa V22: 116373	Current level of protection	n/a	n/a
		90% habitat protection for highest flow demanding fish species (estimated equivalent)	1170	From 1 July 20182021
Zone 3 Tukituki River	Tukituki River at Tapairu Road V22: 183312	Current level of protection	1900	Until 30 June 20182021
		90% habitat protection for longfin eel	2300	From 1 July 20182021
Zone 3 Tukipo River	Tukipo River at SH50 U22: 948324	Current level of protection	150	Ongoing
Zone 3 Tukipo River	Tukipo River Ashcott Road U22: 080311	90% habitat protection for highest flow demanding fish species (estimated equivalent)	1043	From 1 July 20182021

Rules relating to take and use of water in the Tukituki catchment

(these rules are included for information and would not be included in the plan change proposal)

TT3, Takes (Permitted)

TT3A Takes (Controlled)

TT3B Takes (Restricted Discretionary)

TT4 Takes (Discretionary)

Rule 53 Minor takes and uses of ground water (Permitted)

Rule 54 Minor takes and uses of surface water (Permitted)

Rule 55 Other takes and uses of surface and ground water (Discretionary)



16 January 2019

Dear sir/madam,

Tukituki Minimum Flow Regime

The Hawke's Bay Regional Council is considering a **possible plan change to defer the commencement of the new July 2018 minimum flow regime by two years**, in response to a request by the Tukituki Water Taskforce late last year. The deferral is intended to provide sufficient time for water takers to develop and implement sustainable long term ways to meet the new minimum flow regime, which takes full effect in 2023. The Taskforce is concerned that individual short term solutions may not achieve longer term community wellbeing. A copy of the Taskforce's request is attached, for your information (refer to **Attachment 1**).

Plan change proposal to defer application of minimum flow

Such a plan change requires a simple change of words to the Hawke's Bay Regional Resource Management Plan. A draft proposal is attached which defers the commencement of the new minimum flow regime for a further two irrigation seasons, from now to **1 July 2021** (refer to **Attachment 2**). The date from which the final minimum flow regime applies, 1 July 2023, remains unchanged.

Why we are contacting you

As a participant in the original Tukituki Plan Change, a water permit holder in the Tukituki Catchment, or iwi with an interest in the Tukituki Catchment, you may have an interest in any deferral proposal.

It is desirable to have support from all stakeholders and affected parties before proceeding, as the purpose of such a plan change is, at minimal cost, to ease the transition to the final 2023 minimum flow regime. This should enable the Tukituki Water Taskforce and those with takes that are directly or highly connected to surface water to focus on priorities for rationing and sharing water, as well as developing other more sustainable ways of taking and using water.

Your response please

We are contacting you at this early stage to find out what you think about this proposal, and if you have concerns, what is the nature of your concerns.

If you have any concern, or would like to voice your support to proceed with this deferral proposal, please let me know by **Friday 1 February 2019**.

Offer to meet

If you have serious concerns about deferring the application of the revised minimum flow regime (remembering that a minimum flow regime has already been in place for the Tukituki for some years), a meeting may be more appropriate to discuss your concerns and how they might be addressed.

Hawke's Bay Regional Council

159 Dalton St, Private Bag 6006, Napier 4142, New Zealand Tel 06 835 9200 Fax 06 835 3601 Freephone 0800 108 838

Please contact me if you would like to meet to discuss this matter further.

Next steps

A report will be prepared for the Regional Planning Committee, which next meets on Wednesday 20 February 2019, informing them of your responses and advising further action accordingly.

We will also contact those of you who have water permits with minimum flow conditions to better understand how this proposal might affect you.

I look forward to hearing from you.

Yours sincerely



DALE MEREDITH

SENIOR POLICY PLANNER

Phone: (06) 835 9200 extn 9378

Email: dale.meredith@hbrc.govt.nz

Letter to Regional Planning Committee

Attachment 1

20 November 2018

To the Hawke's Bay District Council Regional Planning Committee

Attention: Rex Graham and Toro Waaka

The Tukituki Water Taskforce was established in response to water issues in the Tukituki Catchment to enable the management of short, medium, and long term water quantity issues in Central Hawke's Bay.

The Taskforce was formed following a joint meeting between the staff and councillors of the Central Hawke's Bay District Council and Hawke's Bay Regional Council concerned about the future water management challenges in Central Hawke's Bay, including the increased flow triggers now in effect under the Tukituki Plan and concerns by Tikokino and Ongaonga residents about access to water and subsequent challenges during the dry summer months.

The Tukituki Water Taskforce has been selected to assist in finding solutions and share a mutual understanding of the science and information at hand. The group will consider and discuss issues to ensure that local iwi/hapu, community and primary sector groups are involved and have the opportunity to input and provide comment on the work of the group.

The Taskforce has met over the last few months to better understand the current issues and what short, medium and long term solutions look like.

At its meeting on the 20 November 2018 the Tukituki Water Taskforce unanimously resolved:

"To request that the Hawke's Bay Regional Council's Regional Planning Committee urgently reconsider 2018 operative dates for increased minimum flows within the Tukituki Plan to provide two summers (2018/2019 and 2019/2020) to allow the taskforce to work with the community and the Ruataniwha science programme to create a transitional plan for summer water security, subject to Tranche 2 consents being publically notified, to meet Plan Change 6 by 2023"

The Tukituki Water Taskforce requests a meeting with the Regional Planning Committee at its earliest convenience, and look forward to further discussion about the Taskforce's request to the Hawke's Bay Regional Council's Regional Planning Committee.

Yours Sincerely

A collection of handwritten signatures in blue ink. The signatures are arranged in three rows. The first row has three signatures, the second row has two, and the third row has two. The signatures are somewhat stylized and difficult to read, but they appear to be the names of the taskforce members.

Item 9

Attachment 1

Item 5

Attachment 2

(Hawke's Bay Regional Resource Management Plan: Draft 16 January 2019)

Table 5.9.3: Tukituki River Catchment Minimum Flows

Surface Water Allocation Zone	Flow Management Site	Level of habitat protection	Minimum Flows (L/sec)	Period to which Minimum Flow applies
Zone 1 Lower Tukituki	Tukituki River at Red Bridge V22: 466581	Current level of protection	3500	Until 30 June 2018 2021
		80% habitat protection for trout upstream of Red Bridge	4300	From 1 July 2018 2021 until 30 June 2023
		90% habitat protection for trout upstream of Red Bridge	5200	From 1 July 2023
		80% habitat protection for trout between Red Bridge and Black Bridge	4300	From 1 July 2018 2021
Zone 1 Papanui Stream	Papanui Stream at Middle Rd V22: 278432	90% habitat protection for longfin eel (estimated equivalent)	53	Ongoing
Zone 2 Waipawa River	Waipawa River at RDS/SH2 V22: 153339	Current level of protection	2300	Until 30 June 2018 2021
		90% habitat protection for longfin eel	2500	From 1 July 2018 2021
Zone 2 Mangaonuku Stream	Mangaonuku Stream U/S Waipawa V22: 116373	Current level of protection	n/a	n/a
		90% habitat protection for highest flow demanding fish species (estimated equivalent)	1170	From 1 July 2018 2021
Zone 3 Tukituki River	Tukituki River at Tapairu Road V22: 183312	Current level of protection	1900	Until 30 June 2018 2021
		90% habitat protection for longfin eel	2300	From 1 July 2018 2021
Zone 3 Tukipo River	Tukipo River at SH50 U22: 948324	Current level of protection	150	Ongoing
Zone 3 Tukipo River	Tukipo River Ashcott Road U22: 080311	90% habitat protection for highest flow demanding fish species (estimated equivalent)	1043	From 1 July 2018 2021

Rules relating to take and use of water in the Tukituki catchment

(these rules are included for information and would not be included in the plan change proposal)

TT3, Takes (Permitted)

TT3A Takes (Controlled)

TT3B Takes (Restricted Discretionary)

TT4 Takes (Discretionary)

Rule 53 Minor takes and uses of ground water (Permitted)

Rule 54 Minor takes and uses of surface water (Permitted)

Rule 55 Other takes and uses of surface and ground water (Discretionary)

Index: Written Responses on Jan 2019 Tukituki minimum flow deferral

Ref	Name	Organisation or Agency
1	Gerald Wilson	
6	Craig Hickson	
7	Luke Challies	
10	Kathryn Bayliss	
12	SJ Nichols	
13	John Campbell	
14	Cameron Gillat	
16	Margaret Gwynn	
17	Liz and Ian Bayliss	
18	Adrienne Tully	
19	Bruce Mackay	
20	Guy Bell	
21	Tom Kay	Royal Forest & Bird Protection Society (national)
22	Ricky Jensen	
23	Peter Wilson	Hawke's Bay Fish & Game Council
24	Murray Olsen	
25	Donna London	
27	Isabel Morgan	
28	Ian Ritchie	
29	Arthur Rowland	
30	John Wuts	
31	Scott Lawson	Hawke's Bay Vegetable Growers Association
32	Angus Robson	
33	Tony Knight	
34	Dianne Vesty	Hawke's Bay Fruitgrowers Association
35	Joe Devonport	
36	Mary Legg	
37	Tabitha Bristow	
39	Cordelia Woodhouse	Environmental Defence Society
40	Rose Hay	
42	Marie Long	Department of Conservation
43	ME Warren	
47	Terry Kelly	Ta Taiao Environment Forum
48	Dr Trevor Le Lievre	
49	Anne Wallace	
50	Ngaio Tuka	Ngati Kahungunu Iwi Inc
51	George Harper	
52	Morry Black	
53	Paddy Maloney	
54	Jenny Baker	
55	Taryn Jones	
57	Angela Wylie	
59	Jeremy Dunningham	
60	GF Pain	
61	Paula Fern	
62	Louise Philips & Clint Deckard	Royal Forest & Bird Protection Society Central Hawke's Bay

Item 5

Attachment 3

Attachment 3

Dale Meredith

From: Monique Thomsen
Sent: Wednesday, 16 January 2019 4:26 PM
To: Dale Meredith
Subject: FW: LETTER: TUKITUKI MINIMUM FLOW REGIME

From: Gerald Wilson
Sent: Wednesday, 16 January 2019 4:25 PM
To: Monique Thomsen <Monique.Thomsen@hbrc.govt.nz>
Subject: Re: LETTER: TUKITUKI MINIMUM FLOW REGIME

This is very good news thank you Dale

Regards Gerald Wilson

On Wed, Jan 16, 2019 at 3:54 PM Monique Thomsen <Monique.Thomsen@hbrc.govt.nz> wrote:

Good afternoon,

Please see **attached** a Tukituki Minimum Flow Regime letter from Dale Meredith, Senior Policy Planner, Hawke's Bay Regional Council.

Kind Regards



Monique Thomsen
 Executive Assistant
 06 833 8075 | 027 208 9518

Hawke's Bay Regional Council | Te Kaunihera ā-rohe o Te Matau a Māui
 159 Dalton Street, Napier 4110 | hbrc.govt.nz

Enhancing Our Environment Together | Te Whakapakari Tahi i Tō Tātau Taiao



Let us know how we're doing, give your feedback here.
 This communication, including any attachments, is confidential. Refer to the disclaimer on our website.

Item 5

Dale Meredith

From: Monique Thomsen
Sent: Thursday, 17 January 2019 8:26 AM
To: Dale Meredith
Subject: FW: LETTER: TUKITUKI MINIMUM FLOW REGIME

From: Craig Hickson
Sent: Wednesday, 16 January 2019 8:50 PM
To: Monique Thomsen <Monique.Thomsen@hbrc.govt.nz>
Subject: RE: LETTER: TUKITUKI MINIMUM FLOW REGIME

I suggest the deferment of the minimum flow regime for two years as proposed.
Craig Hickson.

From: Monique Thomsen [mailto:Monique.Thomsen@hbrc.govt.nz]
Sent: Wednesday, 16 January 2019 3:54 PM
To: Dale Meredith <Dale.Meredith@hbrc.govt.nz>
Subject: LETTER: TUKITUKI MINIMUM FLOW REGIME

Good afternoon,

Please see **attached** a Tukituki Minimum Flow Regime letter from Dale Meredith, Senior Policy Planner, Hawkes Bay Regional Council.

Kind Regards



Monique Thomsen
Executive Assistant
06 833 8075 | 027 208 9518

Hawke's Bay Regional Council | Te Kaunihera ā-rohe o Te Matau a Māui
159 Dalton Street, Napier 4110 | hbrc.govt.nz

Enhancing Our Environment Together | Te Whakapakari Tahi | Tō Tātau Taiao



Let us know how we're doing, give your feedback [here](#).

This communication, including any attachments, is confidential. Refer to the disclaimer on our website.

Attachment 3

Dale Meredith

From: Luke Challies
Sent: Thursday, 17 January 2019 8:51 PM
To: Dale Meredith
Subject: Tukituki river

Hi Dale.

Please adhere to the Board of Inquiry recommend low flows for the Tukituki River. I love this river and have very fond memories of it growing up in Hawkes Bay. It is a great asset to the province and it should be preserved and improved.

Regards,
Luke

Item 5

Dale Meredith

From: Kathryn [redacted]
Sent: Tuesday, 22 January 2019 1:52 PM
To: Dale Meredith
Subject: Tukituki minimum flow regime.

Importance: High

Hello Dale,

Thank you for your letter and the opportunity to comment on the possible plan change to defer minimum water flows in the Tukituki catchment.

I oppose any proposals to get a time extension or to change the minimum water flow limits for the Tukituki catchment.

The rivers belong to all New Zealanders and flora and fauna, not just the irrigators. For years the Tukituki catchment has had water over allocated and people and the fauna and the flora have had to put up with poor water quantity and quality. Even when the new minimum flows come in force fauna, including the long-fin eel and torrent fish, (both of which are in the top 150 priority NZ threatened and at risk species in the NZ's Threatened Species Strategy), will have to make a 10% sacrifice of their habitat protection.

The irrigators have known since 2013 when the new minimum water flow limits for the Tukituki catchment would apply. They've had plenty of time to plan their strategies for the possibility of water restrictions.

There was always an 'IF' for the Ruataniwha Water Storage Scheme, it was never guaranteed. The Board of Enquiry stated in it's final report that Plan Change 6 will have to stand on it's own feet regardless of whether the RWSS (or any other irrigation scheme) proceeds.

The DOC conservation land case would not have gone through the courts if Forest and Bird thought they would lose the case.

The Ruataniwha Water Users Group first made a request to the HBRC planning committee in October 2017 which was declined.

The Tukituki Water Task Force request dated 20 November 2018 requested for a deferral of minimum flows for 2018/2019 and 2019/2020, (not until 30 June, 2021 as now suggested by HBRC).

In the November 2018 Planning Committee Agenda it said if a streamlined planning pathway was used for the PC6 change it could take all 2019. Now it could be unlikely to be in time for the 2019/2020 summer season.

So it is senseless to waste time and money doing a Plan Change for 2018/2019 and 2019/2020 as the Tukituki Water Task Force requested. There should be no need to give them an extra year as compensation. The Central Hawke's Bay Surface Water Group has previously had funding assistance from HBRC to help with finding a solution.

No budgets were in the 2018-2028 Long Term Plan for any PC6 changes.

What is done in the Tukituki catchment and Plan Change 6 sets a precedence for other catchment areas.

There should be no need to give irrigators more time and to waste HBRC resources doing a plan change.

The Ruataniwha Water Users Group and other irrigators should accept the situation. They should use their own time, money and energy planning and adapting for the future regime.

Could you please acknowledge receipt of my email and keep me updated in what is happening about the minimum water flows in the Tukituki catchment and Plan Change 6.

Yours sincerely,
 Kathryn Bavliss



Dale Meredith

From: Nichols
Sent: Tuesday, 22 January 2019 3:21 PM
To: Dale Meredith
Subject: TukuTuki Minimum Flow Regime

Dear sir/madam,

It appears the Tuki Tuki Water Taskforce requests to defer the commencement of the July 2018 minimum flow regime by two years. Whilst such a deferral may involve simple change of words to the H.B. Regional Resource Management Plan, with respect, the deferral involves a significant further degradation of the river.

HBRC is entrusted with the regulation of Hawke's Bay waterways for the benefit of ALL Hawke's Bay, not just the irrigators, who currently appear to have a much greater say in water use.

As I see it, the Tuki Tuki is showing the signs of years of neglect. The water level is low, the temperature is high, the nutrient load is high. The end result is a river full of stinking weed that many of us are reluctant to even wade in, let alone swim. The HBRC has a very poor record of enforcing it's regulatory requirements now. To defer the low flow limits set some time ago, simply to appease irrigators with already over-allocated water consents is unconscionable.

I note the Tuki Tuki Taskforce " requests that the HBRC Regional Planning Committee urgently reconsider 2018 operative dates for increased minimum flows within the Tuki Tuki Plan to provide two summers (2018/2019 and 2019/2020) to allow the Taskforce to work with the community and the Ruataniwha science programme to create a transitional plan for summer water security, subject to Tranch 2 consents being publicly notified to meet Plan Change 6 by 2023."

In my view, this is yet another call by a blatantly self interested group, to further capture the use of a public resource for private gain. Surely we have had years of this nonsense. Until HBRC addresses the current over allocation for water consents; that is in excess of the river and aquifer system's ability to provide, we will continue to have a conscienciously self entitled group doing a good impression of Oliver Twist saying "please sir, can I have some more."

I object to this extension of time, let the farmers involved change their farming practise to suit the environment, rather than extort the environment to maximise profits. It may appear that I am just another bleater on behalf of the environment but I do have some relevant background. Namely a B.Ag.Sci. from Lincoln in Ecology, Soils Science, Dairy Science and Microbiology.

Regards,
 S. J. Nichols.

**Davidson Armstrong & Campbell***Lawyers since 1907*

9 Herbert Street, PO Box 54 Waipukurau 4242, New Zealand

Tel 64 6 858 6660 Fax 64 6 858 8481

email dac@daclegal.co.nz website www.daclegal.co.nz

22 January 2019

The Senior Policy Planner
Hawke's Bay Regional Council
Private Bag 6006
NAPIER 4142

Attention: Dale Meredith
Email: dale.meredith@hbrc.govt.nz

TUKITUKI WATER TASKFORCE

Thank you for your letter dated 16 January 2019. I appreciate being included in this circulation list.

I support the Tukituki Water Taskforce's request for two summers to allow the task force to work with the community and the Ruataniwha Science Programme to create a transitional plan for summer water security.

Yours faithfully

DAVIDSON ARMSTRONG & CAMPBELL

A handwritten signature in black ink, appearing to be 'John Campbell', written over a horizontal line.

John Campbellemail: johnc@daclegal.co.nz

Partners John Campbell LLB (Hons) Notary Public Juliet van der Oord LLB
Associates Bridie Tippett LLB BA Bodee Oliver LLB Senior Solicitor Claire Murphy LLB
JBC-143781-28-13-V1:SPP

Attachment 3

14

Dale Meredith

From: Cameron Gillatt
Sent: Wednesday, 23 January 2019 3:35 PM
To: Dale Meredith
Subject: Tukituki minimum flow regime

Hi Dale

Thank you for your letter to EPIC Agriculture on the 16th of January regarding Tukituki minimum flow regime, we strongly support this Plan Change proposal to defer the application of minimal flow, these new minimal flows will have a detrimental effect to our business and having another 2 years for us to either build our own water storage or participate in a community water storage scheme is very beneficial to our planning. We also fully support any water saving schemes that have a positive outcome for our rivers and will endeavour to help the community where we can in saving water.

Best Regards

Cameron



Cameron Gillatt | General Manager | BEL Group

Ph 0276202308 or 06 858 8921 | PO Box 504, Waipukurau 4242 | www.belgroup.co.nz

Item 5

Dale Meredith

From: gwynn,
Sent: Thursday, 24 January 2019 7:53 AM
To: Dale Meredith
Subject: Tukituki plan change

Dear Dale,

I'm responding to your letter of 16 January about a proposed deferral of the proposed minimum flow regime for the Tukituki River. I am opposed to this deferral as I think the people affected by the minimum flow regime have already had plenty of time to work out sustainable water management.

I would therefore prefer no plan change.

Yours sincerely,

Margaret Gwynn

Item 5

Attachment 3

Dale Meredith

From: Ian & Liz Bayliss
Sent: Thursday, 24 January 2019 9:18 AM
To: Dale Meredith
Subject: Fw: feedback regarding deferring minimum flow application

Hi Dale

Thank you for the opportunity to give feedback on the requested deferment of the minimum flow application.

As residents of the Takapau Plains with a property which has a boundary on the Porangahau Stream we have considerable interest in the way in which water is managed for all the residents of Central Hawkes Bay. We have owned this property for fifty or so years and have watched changes in land use, river water quality and levels with growing concern. The climate is changing, temperatures are rising making it necessary to promote changes in land use and farming practices. Both the nature of the soils and the climate make the area unsuitable for dairying.

We understand that in the past consents have been granted by the Council for the taking of water from rivers and aquifers based on information and understanding of water in the region which we now know to be inadequate. Some landowners have made large investments in plant on the basis of consents granted and the faulty assumption that the Ruataniwha Dam Scheme would proceed and will find it challenging to adapt to minimum flow requirements that are imposed with a short time frame.

However, we also are aware that some farmers will only make changes when forced to by Government/Council legislation and enforcement and some will not know how to adapt to this new situation. Already one of the summers mentioned in the request for delay in applying the minimum flow restrictions has almost past with no transition plan in place.

We strongly urge the Council to commit to having a transition plan in place so that the minimum flow restrictions can be applied for the 2019/2020 summer season. This would involve identifying current key takers of water and those with large loans, which should not be difficult and working intensively with them to develop transition plans so that the goal of summer 2019/20 application can be met. There is urgency in finding solutions and the impetus for creative and sound solutions being found will come from Council's willingness to demonstrate they are making water management their highest priority.

In conclusion, we are opposed to the extension of time for the application of minimum water flow levels beyond the summer of 2019/2020

Yours faithfully

Liz and Ian Bayliss

Item 5

Attachment 3

18

Dale Meredith

From: ADRIENNE VIRGINIA TULLY
Sent: Friday, 1 February 2019 8:14 AM
To: Dale Meredith
Subject: RE: Tukituki Minimum Flow Regime

Hi Dale,

I should also mention that I am a CHB ratepayer. I co-own a property at [REDACTED]

Regards, Adrienne Tully.

> On 31 January 2019 at 11:41 Dale Meredith wrote:

>

>

> Hi Adrienne

>

> Thanks for your comments.

>

> Regards

> Dale

>

> From: ADRIENNE VIRGINIA TULLY

> Sent: Thursday, 31 January 2019 11:23 AM

> To: Dale Meredith

> Subject: Tukituki Minimum Flow Regime

>

>

> Good morning,

>

> I would like to draw your attention to two discrepancies between the proposed plan change and the original request by the water taskforce.

>

> 1) The proposed deferral date is 2021 whilst the Tukituki Water Taskforce's request was for 2020.

>

> 2) There is no mention of the condition that the Tranche 2 applications be publicly notified.

>

> Thank you, Adrienne Tully

>

> [REDACTED]

>

> [REDACTED]

>

> [REDACTED]

> Dale Meredith

> Senior Policy Planner

> 06 8359200 ext 9378

> Hawke's Bay Regional Council | Te Kaunihera ā-rohe o Te Matau a Māui

> 159 Dalton Street, Napier 4110 | hbrc.govt.nz Enhancing Our Environment Together | Te Whakapakari
 Tahī I Tō Tātau Taiao

>

>

>

> Let us know how we're doing, give your feedback here.

> This communication, including any attachments, is confidential. Refer to the disclaimer on our website.

Dale Meredith

From: Mackay, Bruce
Sent: Thursday, 24 January 2019 11:20 AM
To: Dale Meredith
Subject: Tuki Tuki minimum Flow Regime

Dale,

In response to your letter of 16.01.2019

I am most certainly in support of a proposal to defer the commencement of the July 2018 minimum flow regime by 2 years.

My concerns are around the forced land use changes the new flows will demand, the social and economic impact these changes will have, and the impact on property values.

I am intrigued that it has taken this long for the HBRC to respond to the impact this is having.

Thanks

Bruce Mackay

This communication is intended for the use of the addressee only and may contain information that is privileged or confidential. If you are not the addressee, you are hereby notified that any dissemination, distribution or use of this communication is prohibited. If you received this communication in error, please destroy it, all copies and any attachments and notify the sender as soon as possible. Any comments, statements or opinions expressed in this communication do not necessarily reflect those of Kraft Heinz Company, its subsidiaries and affiliates.

Ce message est uniquement destiné au destinataire et pourrait contenir des renseignements privilégiés ou confidentiels. Si vous n'êtes pas le destinataire prévu, sachez que toute diffusion, distribution ou utilisation de ce message est interdite. Si vous avez reçu ce message par erreur, nous vous prions d'en aviser l'expéditeur dès que possible et de détruire le message, ainsi que toute copie ou pièce jointe, le cas échéant. Tout commentaire, énoncé ou opinion exprimés dans ce message ne reflètent pas nécessairement ceux de la Kraft Heinz Company, ni de ses filiales ou sociétés affiliées.

Item 5

Attachment 3

20

Dale Meredith

From: Guy Bell [REDACTED]
Sent: Thursday, 24 January 2019 8:51 PM
To: Dale Meredith
Subject: tukituki minimum flow regime

Hi Dale ,
We of take WP070659T [REDACTED] support the plan change to defer application of the minimum flow.

Regards
Guy Bell

24 January 2019

Hawke's Bay Regional Council
For Dale Meredith
By email

Copied to
James Palmer
By email



Forest & Bird
TE REO O TE TAIAO | *Giving Nature a Voice*

National Office
205 Victoria Street
PO Box 631, Wellington 6140
New Zealand

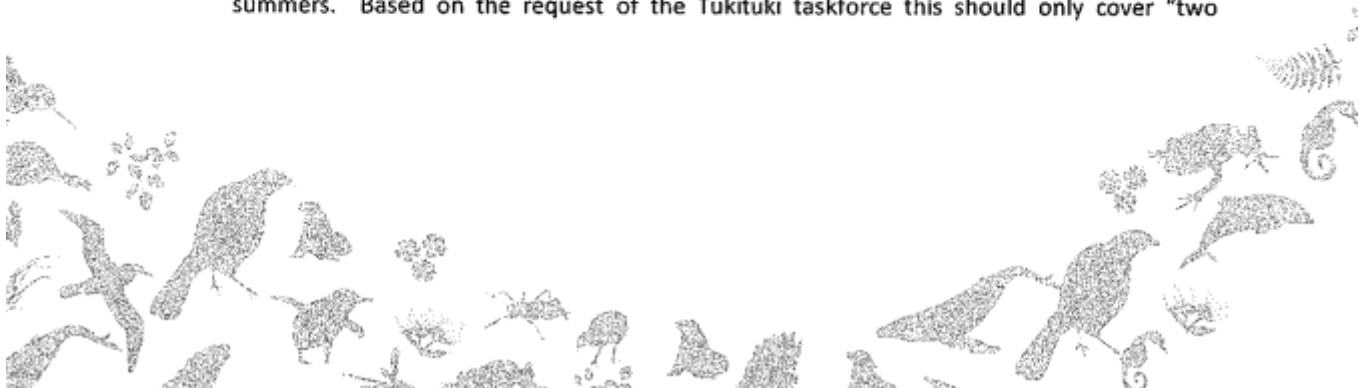
P: +64 4 385 7374
www.forestandbird.org.nz

Tēnā koe,

We refer to the letter from Hawke's Bay Regional Council (HBRC) re. the 'Tukituki Minimum Flow Regime' that was sent to participants of the original Tukituki Plan Change on the 16th January 2019.

Forest & Bird (F&B) have several concerns in regard to the letter and the 'deferral proposal'.

1. We are frustrated with the way in which HBRC has misrepresented F&B's position in regard to the request from the Tukituki Taskforce (Attachment 1 to your letter). While F&B branch members who are representatives on the Taskforce signed the letter from the Tukituki Taskforce on the 20th November 2018, their agreement was premised on the Taskforce members' assumption that the plan change could be linked to a decision to notify Tranche 2 consents. Unfortunately, HBRC representatives did not explain to the Taskforce that this could not occur, so the Taskforce's proposal has been given in error. Subsequent communications from F&B to HBRC on the 22nd November 2018 clearly stated that this position was not endorsed by the organisation. Despite this action being consistent with the Terms of Reference (TOR) of the taskforce, it appears the letter was never retracted or amended. We are disappointed this letter continues to be cited and circulated, as it does not accurately reflect F&B's position.
2. We are frustrated that the Taskforce has operated in a way that is inconsistent with its purpose. Minutes from the Taskforce meeting dated 20th September 2018 note that the group agreed "its role is not to write policy". Further, in a HBRC presentation to the Taskforce it was explicitly stated that members of the group were not there "to develop or rewrite policy" or "to develop or rewrite rules". The request from the group for HBRC to defer minimum flows and the response from HBRC to action that request are out of scope of the group's purpose.
3. We are confused as to why the deferral proposal includes the alteration of the implementation dates in the plan from '2018' to '2021'. It appears that this will cover three summers. Based on the request of the Tukituki taskforce this should only cover "two



summers”—that of “2018/2019” and “2019/2020”. The proposed plan change does not reflect the Taskforce’s request in this regard.

4. In the F&B letter to HBRC dated 22nd November 2018, we noted our willingness to consider “a proposal that would allow some leniency in regard to the implementation of Plan Change 6 flows” provided that the proposal included “details illustrating how the proposal would ensure the life-supporting capacity of freshwater is safeguarded, how adverse effects would be avoided, remedied or mitigated, and that the proposal is in accordance with the NPS for Freshwater”. This proposal does nothing to address these requirements. Delaying the implementation dates of the Tukituki minimum flows without providing anything of benefit to the ecological condition of the river and without a clear pathway to ensure minimum flows are achieved once the deferral ends is not something we are willing to consider.
5. We also remain extremely concerned that the background context to this proposed plan change includes provision for additional groundwater to be taken (Tranche 2). It is clear that more work is required to understand the degree of connection between surface water and groundwater across the Ruataniwha Basin. In order to ascertain how biodiversity will be protected and NPSFM requirements met, how future minimum flows will be complied with, and how water takes can be equitably shared between surface and groundwater users, any plan change should include methods to obtain that information about groundwater connectivity, along with clear directions for Council to make subsequent changes to the plan—including by removing the Tranche 2 allocation—in response.

Given the significance of these concerns, and the impact that a deferral of minimum flows will have on the ecological condition of the Tukituki River, **Forest & Bird remains opposed to the deferral proposal.**

Ngā mihi nui,



Tom Kay

Regional Manager
Royal Forest & Bird Protection Society



Dale Meredith

From: Monique Thomsen
Sent: Friday, 25 January 2019 2:10 PM
To: Dale Meredith
Subject: FW: LETTER: TUKITUKI MINIMUM FLOW REGIME

From: Ricky Jensen [REDACTED]
Sent: Friday, 25 January 2019 1:39 PM
To: Monique Thomsen <Monique.Thomsen@hbrc.govt.nz>
Subject: Re: LETTER: TUKITUKI MINIMUM FLOW REGIME

Hi Monique,

Our Company Tuki Tuki Awa Ltd welcome and applaud this sensible and important decision to delay the minimum flow increases on the Tukituki River for two years until 1st July 2021.

The social and financial impact of ignoring the opportunity the Dam provided for water security was extremely serious and alarming. We are extremely grateful to the members of the Tukituki Water Task Force for their communication with our HBRC members in convincing them of the pressures and stress our surface water consent holders were under with the loss of a big part of our investment in water security. We need time to sort through the mess.

Tuki Tuki Awa Ltd currently has Water Consent interests in.

1. Tranche 2 water
2. High water flow storage consent.

Both opportunities require careful consideration, a lot of money and time before any can achieve full and successful development and HBRC approval and sign off.

There is also the IP brought from HBRIC we require time to see what develops there. Will this be a better option for water security. Could rostering and rationing be an acceptable way forward for managing water security it certainly would be a lot less expensive and economic.

We are relieved that so far this season minimum flows have not been triggered and that at present our irrigation season looks promising. It could have been a disaster for all involved.

There is an opportunity now to pool all our existing water consents and consent applications as well as our resources to come up with a solution that keeps our businesses viable and profitable.

Thanks Ricky Jensen for Tuki Tuki Awa Ltd.

On Wed, 16 Jan 2019 at 15:54, Monique Thomsen <Monique.Thomsen@hbrc.govt.nz> wrote:

Dale Meredith

To: Dale Meredith
Subject: FW: Note from Hawkes Bay Fish and Game Council

Kia Ora Dale,

Thank you for your invitation to provide comment on the proposed plan change delaying the implementation of the 2018 minimum flows in the Tukituki catchment.

The Hawkes Bay Fish and Game Council is a participant in the Tukituki Taskforce. Fish and Game is grateful for the opportunity to engage with territorial local authorities, the regional council, irrigators, and the community on what is a highly sensitive topic. Relationships between Fish and Game and the community are important, especially after a long period of protracted litigation and conflict.

It is unusual for Fish and Game to consider a change to environmental flows and limits, however in this case I believe that there are extenuating circumstances. For instance:

- The proposed plan change does not affect the final Tukituki minimum flow which applies in 2023.
- The surface water irrigators who are most affected by the current minimum flow have honestly admitted a lack of planning for a "plan B", in the absence of a large storage dam, and have taken the first steps towards water conservation and rationing. I believe that they are justified in seeking a two year window to advance conservation and rationing measures.
- The surface water and groundwater interactions assumed in plan change 6 may have been overly optimistic in terms of the water resource available, and may have underestimated the stream depletion and aquifer interaction effects of groundwater abstraction.
- If so, the pain of water restrictions caused by minimum flows and levels may not be fairly shared between surface water and groundwater irrigators.
- Whilst there is not likely to be significant new water, there may be ways that the aquifer can be managed better, particularly at the shoulders of the irrigation season.
- The 2023 minimum flows provide a backstop in the case that no solutions exist.

However, at the moment there are no clear statutory requirements for resourcing a science work programme within the Council on surface and groundwater interaction, which prevent Fish and Game from having confidence that the taskforce alone will be able to achieve its goals. As such, Fish and Game supports the plan change with an additional method as follows:

Method - The Hawkes Bay Regional Council will ensure that the required resources to undertake surface and groundwater science and modelling to inform future resource management in the Tukituki catchment is in place to meet the 2021 timeframe of this plan change.

Fish and Game can support the plan change if this method is placed within it.

Fish and Game is available to meet with Hawkes Bay Regional Council staff as required to discuss this.

Nga mihi,

Peter Wilson

for

Hawkes Bay Fish and Game Council

Item 5

Attachment 3

Attachment 3

Dale Meredith

From: Murray Olsen
Sent: Friday, 25 January 2019 9:07 PM
To: Dale Meredith
Subject: Tukituki

Kia ora

I support Forest and Bird's position on the deferral of the minimum flow regime for the Tukituki. It's about time the HBRC starting working for more than just the farmers and orchardists of the district. We ratepayers will already be losing a large part of our stake in the port. Are we going to be losing our access to water in the near future as well?

The minimum flow regime should not be deferred. Farmers need to learn to farm sustainably, and the HBRC should be helping them with this, not helping them to continue as they have been.

Nga mihi

Murray Olsen

Item 5

✓

Dale Meredith

From: Donna London
Sent: Saturday, 26 January 2019 1:22 PM
To: Dale Meredith
Subject: Plan Change 6

Item 5

Dear Dale

I support Forest and Birds position on the deferral of the minimum flow regime for the Tukituki and oppose deferral. The rivers and aquifers are already suffering. We need to protect our precious water supply for the future. You need to claw back on the oversubscription of water allocation to give life and health to our rivers. Plan Change 6 should not be deferred and no new water allocation permits should be issued. Please concentrate your efforts on protecting our environment not on protecting agriculture production to the detriment of our environment.

Kind regards

Donna London

Attachment 3

28th January.2019

27

TUKITUKI MINIMUM FLOW REGIME

As an interested member of the public, I have followed the question of minimum flow in the Tukituki. As a member of Forest and Bird I endorse all that our Field Officer Tom Kay has written regarding this question. I am extremely disappointed, that the HBRC is now seeking a two year deferral for the implementation of this plan. I am not in agreement with the two year referral you are seeking.

Thank you for your offer to meet, but I will not avail myself of your offer.

Isabel Morgan

COMMENTS ON THE TUKITUKI MINIMUM FLOW REGIME

The earlier minimum flow regime was inadequate to keep the river in a healthy state. Incidents of sudden death of dogs occurred, the impact on other species would have been equally significant.

I am concerned that the approach being taken will mean that the minimum flows will be set at the levels available after commercial uses have been satisfied.

The minimum flows need to be set at levels that will maintain the minimum health requirements of the river ecosystem.

It is obvious that the future will see less dependable rainfalls in the critical months, and higher temperatures for significant periods over sensitive periods.

Anything that compromises the health of the river is to be avoided and is unsustainable.

I do not wish to appear in support of my comments.

I support the positions of the representatives of Fish and Game and Forest and Bird.

Ian Ritchie

**Item 5****Attachment 3**



16 January 2019

Dear sir/madam,

TUKITUKI MINIMUM FLOW REGIME

The Hawke's Bay Regional Council is considering a **possible plan change to defer the commencement of the new July 2018 minimum flow regime by two years**, in response to a request by the Tukituki Water Taskforce late last year. The deferral is intended to provide sufficient time for water takers to develop and implement sustainable long term ways to meet the new minimum flow regime, which takes full effect in 2023. The Taskforce is concerned that individual short term solutions may not achieve longer term community wellbeing. A copy of the Taskforce's request is attached, for your information (refer to **Attachment 1**).

Plan change proposal to defer application of minimum flow

Such a plan change requires a simple change of words to the Hawke's Bay Regional Resource Management Plan. A draft proposal is attached which defers the commencement of the new minimum flow regime for a further two irrigation seasons, from now to **1 July 2021** (refer to **Attachment 2**). The date from which the final minimum flow regime applies, 1 July 2023, remains unchanged.

Why we are contacting you

As a participant in the original Tukituki Plan Change, a water permit holder in the Tukituki Catchment, or iwi with an interest in the Tukituki Catchment, you may have an interest in any deferral proposal.

It is desirable to have support from all stakeholders and affected parties before proceeding, as the purpose of such a plan change is, at minimal cost, to ease the transition to the final 2023 minimum flow regime. This should enable the Tukituki Water Taskforce and those with takes that are directly or highly connected to surface water to focus on priorities for rationing and sharing water, as well as developing other more sustainable ways of taking and using water.

Your response please

We are contacting you at this early stage to find out what you think about this proposal, and if you have concerns, what is the nature of your concerns.

If you have any concern, or would like to voice your support to proceed with this deferral proposal, please let me know by **Friday 1 February 2019**.

Hawke's Bay Regional Council

159 Dalton St. Private Bag 6006. Napier 4142. New Zealand. Tel: 06 835 9200 Fax 06 835 3601 Freephone 0800 108 838

Offer to meet

If you have serious concerns about deferring the application of the revised minimum flow regime (remembering that a minimum flow regime has already been in place for the Tukituki for some years), a meeting may be more appropriate to discuss your concerns and how they might be addressed.

Please contact me if you would like to meet to discuss this matter further.

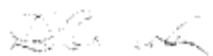
Next steps

A report will be prepared for the Regional Planning Committee, which next meets on Wednesday 20 February 2019, informing them of your responses and advising further action accordingly.

We will also contact those of you who have water permits with minimum flow conditions to better understand how this proposal might affect you.

I look forward to hearing from you.

Yours sincerely



DALE MEREDITH

SENIOR POLICY PLANNER

Phone: (06) 835 9200 extn 9378

Email: dale.meredith@hbrc.govt.nz

WE SUPPORT THIS.



30

Dale Meredith

From: JOSEPH MARIE G A WUTS
Sent: Monday, 28 January 2019 8:26 PM
To: Dale Meredith
Cc: [REDACTED]
Subject: Tukituki Minimum Flow Regime

Dear Dale,

I would like to record my opposition to the deferment of the commencement of the new minimum flow regime for a further two irrigation seasons. My reasons are that the Hawke's Bay rivers have been under stress for too long already, not in the least caused by the over allocation of water take without regard to the sustainability or the consequences of doing so. It is better to bite the bullet now and accept this is going to be the new regime than continuing to further deteriorate this magnificent Hawke's Bay asset which is owned by all of our rate paying residents.

Yours sincerely,

John Wuts, [REDACTED]

PS Please acknowledge receipt of my objection.

Dale Meredith

From: Scott Lawson;
Sent: Tuesday, 29 January 2019 9:40 AM
To: Dale Meredith
Cc: Diane Vesty (office@hbfruitgrowers.co.nz)
Subject: 20190129 HBVGA letter re TukiTuki min deferral.
Attachments: 20190129 HBVGA letter re TukiTuki min deferral..pdf

Hi Dale,

I am replying to the letter received by HB Vegetable Growers Assoc re Tukituki Min Flow deferral.

The Assoc is in support of the proposal to defer the minimum flow.

Rgds Scott Lawson.
Chairman HBVGA.

Scott Lawson

Ph. +64 6 879 9220 Ext. 4
Fax. +64 6 879 9929
Mobile. +64 27 444 6267
www.trueearth.co.nz



Lawson's Organic Farms Ltd.
302 Ngatarawa Road, RD5
Hastings 4175
New Zealand
[Get Directions](#)

This email is intended solely for the use of the addressee and may contain information that is confidential or subject to legal privilege. If you receive this email in error please immediately notify the sender and delete the email.

Item 5

Attachment 3

Attachment 3

54

Dale Meredith

From: Angus Robson |
Sent: Tuesday, 29 January 2019 11:17 AM
To: Dale Meredith
Subject: Tukituki minimum flow regime

Dear Dale,

I oppose the proposal to defer the minimum flow regime. The flow regime was determined by law and the requirements are clear.

Attempts by farming groups to defer meaningful action on environmental improvements are entirely predictable and almost universal. Their modus operandi is always the same – do nothing until deadline then claim the deadline is impossible to meet, and threaten some vague, unquantifiable and generally false claim that the public interest will be harmed if the environmental rules are insisted upon.

I do not believe that the Tukituki Water Taskforce is negotiating in good faith. Were they to be, they would agree to a legally binding obligation (with penalties to individual members of the water taskforce and to all other irrigators who are beneficiaries of the delay) to:

1. Meet the low flow obligations at the new deadline
2. Agree not to contest the implementation, on time, of the 2023 deadline.

If you are unable to secure this legal commitment it will be clear that bad-faith negotiations, and an intent to push out the later deadlines, are intended.

I do not believe it is within the HBRC remit to defer the deadlines for low flows. On what legal basis is this request to interested parties by HBRC made?

Regards,
 Angus Robson



Item 5

>>

Dale Meredith

From: Tony Knight
Sent: Tuesday, 29 January 2019 11:32 AM
To: Dale Meredith
Cc: [REDACTED]
Subject: RE: LETTER: TUKITUKI MINIMUM FLOW REGIME

Record our response as positive to the deferral please Dale

From: Dale Meredith <Dale.Meredith@hbrc.govt.nz>
Sent: Tuesday, 29 January 2019 11:28 AM
To: Tony Knight [REDACTED]
Subject: RE: LETTER: TUKITUKI MINIMUM FLOW REGIME

Hi Tony

Thanks for your response.

At this stage, I am recording your response as neutral with respect to deferring when the minimum flow regime commences – is that accurate?

Regards

Dale Meredith

From: Tony Knight [REDACTED]
Sent: Tuesday, 29 January 2019 11:20 AM
To: Monique Thomsen <Monique.Thomsen@hbrc.govt.nz>
Cc: Dale Meredith <Dale.Meredith@hbrc.govt.nz>
Subject: FW: LETTER: TUKITUKI MINIMUM FLOW REGIME

Hello Monique and Dale,

We have two comments to make in relation to this –

We are being told through the WCO process that all the water under the Heretaunga Plains is hydraulically connected so it is puzzling to see this is an issue that only applies to a few consent holders that are deemed connected directly to the river.

A possible solution for affected consents would be to have a global consent in place similar to the Twyford one however the difference here is that neighbouring properties that are not directly connected to the river will be reluctant to join for a solution as their water would be cut off when it otherwise wouldn't have been under the current thinking. Is there a solution to this issue.

Regards,
Tony Knight

From: Monique Thomsen [mailto:Monique.Thomsen@hbrc.govt.nz]
Sent: Wednesday, January 16, 2019 3:54 PM
To: Dale Meredith <Dale.Meredith@hbrc.govt.nz>
Subject: LETTER: TUKITUKI MINIMUM FLOW REGIME

Good afternoon,

Attachment 3

Dale Meredith

From: Executive Officer - HBFA <office@hbfruitgrowers.co.nz>
Sent: Tuesday, 29 January 2019 4:05 PM
To: Dale Meredith
Subject: RE: Minimum Flows in the Tukituki

Yes, I believe that was the intention of the reply. HB Fruitgrowers support of the proposal to defer the minimum flow.

Dianne Vesty
 Executive Officer
 HB Fruitgrowers' Assn Inc
 Ph: 06 870 8541
 Mobile: 0272 33 99 00

NOTICE – This message is intended only for the addressee named above. The information contained in this e-mail message and any attached files may be confidential and/or the subject of legal privilege. If you are not the intended recipient, you are hereby notified that you must not disseminate, copy or take any action in reliance upon this message. If you have received this e-mail in error, please notify the sender immediately by reply e-mail and delete the original.

Item 5

From: Dale Meredith <Dale.Meredith@hbrc.govt.nz>
Sent: Tuesday, 29 January 2019 1:54 p.m.
To: Executive Officer - HBFA <office@hbfruitgrowers.co.nz>
Subject: RE: Minimum Flows in the Tukituki

Hi Dianne

I am double-checking your response – a 2 year deferral would mean that the more higher minimum flow regime would have effect from 1 July 2020 – not 1 July 2021?

Cheers
 Dale

From: Executive Officer - HBFA <office@hbfruitgrowers.co.nz>
Sent: Tuesday, 29 January 2019 12:55 PM
To: Dale Meredith <Dale.Meredith@hbrc.govt.nz>
Subject: Minimum Flows in the Tukituki

Hello Dale, the Hawke's Bay Fruitgrowers' Association Inc. supports the proposal for a possible plan change to defer the commencement of the new July 2018 minimum flow regime by two years.

We ask that Regional council keep the Fruitgrowers' Association informed by email of any updates about the proposed plan change.

Regards

Dianne Vesty
 Executive Officer
 HB Fruitgrowers' Assn Inc
 Ph: 06 870 8541
 Mobile: 0272 33 99 00

NOTICE – This message is intended only for the addressee named above. The information contained in this e-mail message and any attached files may be confidential and/or the subject of legal privilege. If you are not the intended recipient, you are hereby notified that you must not disseminate, copy or take any action in reliance upon this message. If you have received this e-mail in error, please notify the sender immediately by reply e-mail and delete the original.

25

Dale Meredith

From: joe devonport [REDACTED]
Sent: Tuesday, 29 January 2019 4:26 PM
To: Dale Meredith
Subject: objection

Item 5

Dear Dale,

I oppose the proposal to defer the minimum flow regime. The flow regime was determined by law and the requirements are clear.

Attempts by farming groups to defer meaningful action on environmental improvements are entirely predictable and almost universal. Their modus operandi is always the same – do nothing until deadline then claim the deadline is impossible to meet, and threaten some vague, unquantifiable and generally false claim that the public interest will be harmed if the environmental rules are insisted upon.

I do not believe that the Tukituki Water Taskforce is negotiating in good faith. Were they to be, they would agree to a legally binding obligation (with penalties to individual members of the water taskforce and to all other irrigators who are beneficiaries of the delay) to:

Meet the low flow obligations at the new deadline

Agree not to contest the implementation, on time, of the 2023 deadline.

If you are unable to secure this legal commitment it will be clear that bad-faith negotiations, and an intent to push out the later deadlines, are intended.

I do not believe it is within the HBRC remit to defer the deadlines for low flows. On what legal basis is this request to interested parties by HBRC made?

Regards,

Joe Devonport.
[REDACTED]

PS Please do not dismiss my objection on the basis that it is a 'form letter.' Your Council has shown complete disregard for ratepayers submissions in the past and the last move cost the ratepayers \$15m+ and an additional payout for the person responsible who tried to 'drive' the proposal through as an 'ego' project.

Attachment 3

Attachment 3

Dale Meredith

From: Mary Legg
Sent: Tuesday, 29 January 2019 6:05 PM
To: Dale Meredith
Subject: Fwd: Tukituki Minimum Flow Regime

Dear Dale,

I have just returned from a seven month holiday in Northern Europe, where the coffee was very good :-) but where many of the lakes are green and many of the rivers are canals with concrete sides and most traces of native vegetation and fauna are very rare to see. For this reason, because New Zealand has not yet come to a point where most ecosystems are artificial, I oppose the proposal to defer the minimum flow regime.

I am sure you will already be aware of these perspectives, but I would ask you to consider extremely carefully the impact of any decision made on the well-being of the rivers in terms of biodiversity, recreational use etc, rather than treating the river as a resource to be plundered and damaged for the benefit of a few humans.

There are many people (not only me) and also there are countless organisms in New Zealand who want or need a clean, well-functioning i.e. full of native wildlife, set of rivers to flow throughout our beautiful country.

As you know, the Board of Inquiry set minimum flow requirements for the major waterways in the Ruataniwha catchment; the Tukituki, Waipawa and Tukipo rivers, and Papanui and Mangaonuku streams, which were to be implemented in 2018 and 2023 respectively. Please do not delay these implementations.

Farming groups and irrigators are not the only New Zealanders who have an interest in these rivers - if they deteriorate it impacts on the wilderness of New Zealand, the safety net where we have more than one population of our native or endemic species, and it should never be about economic benefit for the short term.

There seems to be a pattern across New Zealand where some vocal farmers try to defer action and claim that there will be huge detrimental effects on our exports or employment levels or some other disaster will occur if they have to modify their practices. Just because they are loud, it doesn't mean you have to listen to them - we all know this applies to bullies and toddlers and it's kind of similar with people who don't want to obey these minimum flow requirements.

Please I would ask you to think about the longer term, consider the wider community as well as the immediate beneficiaries of excessive water use. Surely there need to be legally binding obligations and penalties financially for those who breach?

As the mantra goes in scuba diving, you've planned the dive, now please dive the plan.

Yours sincerely

Mary Legg

Item 5

Dale Meredith

From: tabitha bristow
Sent: Tuesday, 29 January 2019 11:11 PM
To: Dale Meredith
Subject: Flow Regime

Item 5

Dear Dale,

I oppose the proposal to defer the minimum flow regime. The flow regime was determined by law and the requirements are clear.

Attempts by farming groups to defer meaningful action on environmental improvements are entirely predictable and almost universal. Their modus operandi is always the same – do nothing until deadline then claim the deadline is impossible to meet, and threaten some vague, unquantifiable and generally false claim that the public interest will be harmed if the environmental rules are insisted upon.

I do not believe that the Tukituki Water Taskforce is negotiating in good faith. Were they to be, they would agree to a legally binding obligation (with penalties to individual members of the water taskforce and to all other irrigators who are beneficiaries of the delay) to:

Meet the low flow obligations at the new deadline
Agree not to contest the implementation, on time, of the 2023 deadline.

If you are unable to secure this legal commitment it will be clear that bad-faith negotiations, and an intent to push out the later deadlines, are intended.

I do not believe it is within the HBRC remit to defer the deadlines for low flows. On what legal basis is this request to interested parties by HBRC made?

Regards,

Tabitha

Attachment 3



Hawkes Bay Regional Council
C/- Dale Meredith
By email

30 January 2019

Dear Dale

Tukituki minimum flow regime

Thank you for the opportunity to comment on the proposal to defer implementation of the Tukituki minimum flow regime until 1 July 2021.

EDS has no objection to the proposed plan change to enable further planning to address the freshwater issues arising in the Tukituki Basin and to provide water takers with sufficient time to develop and implement long term ways to meet the minimum flow regime.

We do however have concerns about the proposals to extract additional groundwater (Tranche 2 consents) and the implications that this may have for river flows. These issues warrant careful investigation and consideration. Accordingly, we support Fish & Game's request for HBRC to commit to further science and modelling work to inform the implementation process.

Kind regards

A handwritten signature in black ink, appearing to read 'C Woodhouse'.

Cordelia Woodhouse
Environmental Defence Society Inc

Dale Meredith

From: Keith robert Hunt; _____
Sent: Wednesday, 30 January 2019 2:50 PM
To: Dale Meredith
Subject: Tukituki Minimum Flow Regime

Dear Dale

Tukituki Minimum Flow Regime re: a possible plan change to defer the commencement of the new July 2018 minimum flow regime by two years.

I do not support deferring the commencement of the new minimum flow regime for a further 2 irrigation seasons to July 2021. Plan Change 6 has been around for many years now and water takers have had time to develop and implement sustainable long term ways to meet the minimum flow regime. Will we be asked to defer for another year in another year because water takers have still not made changes to their practice? The Taskforce's request was for the regime to commence in 2020. I would like to see this deadline being met.

I would also expect to see that the condition that the Tranche 2 applications be publicly notified.

Regards

Rose Hay

Item 5

Attachment 3



Department of Conservation
Te Papa Atawhai

45

Date: 31 January 2019

Hawkes Bay Regional Council
Attn: Dale Meredith
Private Bag 6006
Napier 4142

Email: dale.meredith@hbrc.govt.nz

Dear Dale

Comments on Councils' proposed delay in implementing new minimum flows for the Tukituki catchment

Thank you for inviting the Department of Conservation to comment on a possible future plan change to delay implementation of minimum flows set in the Hawkes Bay Regional Resource Management Plan for the Tukituki River catchment. The Department does have concerns about this approach.

The Council has the responsibility as the regulatory authority to implement the operative Resource Management Plan that is the result of much input from the community and other stakeholders. It is unclear from your letter whether the July 2018 minimum flow for the various parts of the catchment are being implemented by the council currently as the Plan requires.

While the impetus for the possible plan change has come from the request of the Tukituki Water Task Force, it is unclear what exactly is their justification for the delay, and why or how a two-year delay will be sufficient for the water permit holders to address reliability of supply issues that the increased minimum flows potentially create. The Department is not convinced that this delay in implementing improved minimum flows would only be for 2 years.

With the increased minimum flows introduced by Plan Change 6 providing for improved habitat protection for native fish, any proposal to delay the implementation of these minimum flows will need to clearly articulate and evaluate the effect of a further three irrigation seasons of restrictions at lesser flows on instream ecological values. The ecological system in the Tukituki River catchment has been and continues to be under considerable stress. The Department would like to understand what other mechanisms the Council would be putting in place to manage these impacts before it could support the approach proposed.

I welcome any further conversations you may like to have on this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Marie Long'.

Marie Long
Director Planning, Permissions and Land

Department of Conservation *Te Papa Atawhai*
www.doc.govt.nz

DOC-5696188

Dale Meredith

From: mewarren
Sent: Thursday, 31 January 2019 1:24 PM
To: Dale Meredith
Subject: FW: Tukituki Minimum Flow Regime
Attachments: minimum flow deferral..docx

4141

31/1/2019

Dale Meredith
Senior Policy Planner
Hawke's Bay Regional Council

Tukituki Minimum Flow regime

Thank you for your letter of January 16th 2019 with respect to the proposal to defer application of minimum flow regime in the Tukituki.

Hawke's Bay Regional Council Long term Plan 2018-28 the first stated community outcome is:

"Aquatic ecosystems are protected and enhanced for all to safely enjoy, and all water users have knowledge on what water is available to meet their needs."

This knowledge is imperative and is derived from water takers priorities/plans for water rationing and sharing to bring about a minimum flow regime. Do not postpone the minimum flow regime uncertainty has a high cost.

Yours truly

ME Warren

PS please acknowledge receipt.

Attachment 3

4/

Dale Meredith

From: Terry Kelly
Sent: Friday, 1 February 2019 2:27 PM
To: Dale Meredith
Subject: Te Taiao response re Tukituki Minimum Flow Regime
Attachments: Te Taiao response to HBRC re deferral of minimum flows 31 Jan 2019.pdf

Kia ora Dale

Attached is Te Taiao Hawke's Bay Environment Forum's response regarding the proposed changes to the Tukituki minimum flow regime.

Thank you for giving us the opportunity to respond. Please let us know if you have any questions regarding our response; as we indicate therein, we are happy to meet with any others in regards to the proposal.

Kind regards,
Terry

Terry Kelly _____

Item 5

47

Item 5

Attachment 3

Thank you for the opportunity to comment on the request for a deferral of the July 2018 minimum flow regime for the Tukituki.

Te Taiao Hawke's Bay Environment Forum (Te Taiao), formed in 2011, is an umbrella group for a number of conservation/environmental groups in Hawke's Bay active in protecting the region's natural assets. Te Taiao has actively participated in the development of the Tukituki Plan.

Te Taiao **opposes** a plan change to defer the new July 2018 minimum flow regime. Te Taiao is also very concerned about the events that have led to the 16 January letter. We understand the Taskforce has a Terms of Reference. We have not seen those and do not know if they are publicly available. (They do not appear in any HBRC Council or committee minutes as far as we are aware.) We note the purpose of the group as described in the report to the 14 November 2018 Environment and Services Committee meeting (item 11). In particular, we are concerned at the way in which the Taskforce has not acted in accordance with that purpose. As outlined there, the purpose is NOT to conduct advocacy, develop or rewrite rules, inform or have input into quasi-judicial processes. Yet, this request is advocacy directly related to the statutory planning framework for the Tukituki and it seeks to change the rules in the statutory plan.

Despite the 16 January letter indicating that a plan change requires only minimal wording change, a plan change is a very costly and onerous process for the Hawke's Bay regional community and council staff (as indicated in the report (item 9) by the Group Manager Strategic Planning to the 12 December Regional Planning Committee meeting.

Te Taiao recommends no change to the **July 2018 minimum flow regime** for the following reasons:

1. The timeframe in PC6 reflects the Board of Inquiry concern about the need to improve the ecological health of the river. We are very sympathetic to all in the Central Hawkes Bay community who are directly affected and understand that there are numerous social and economic implications. The Board of Inquiry, a very authoritative body, was also aware of these challenges but took the view, nevertheless, that the ecological health of the river needed to be improved. This reflects the values of the wider community in the Tukituki catchment, not just those of the community in the Ruataniwha basin or CHB District.
2. It is not the purpose of the Taskforce to suggest changes to rules relating to minimum flows, particularly given that regional council staff make up such a significant proportion of the Taskforce membership.

3. Water takers have had reasonable time to develop and implement measures to meet the new minimum flow regime and the staged approach is seen as essential for ensuring there are some measures adopted earlier rather than delaying these until 2023. The regional council and district council have had since mid 2015 to work together to prepare for the implementation of PC6 but, despite their resources and leadership role, have largely failed to prepare the community to adapt to the new minimum flow regime. We note that the report by the HBRC Group Manager Regulation to the 4 July 2018 Environment and Services committee notes:

These new limits place significant pressure on existing consented water takes for those within the catchment. Following a deputation from members of the CHB community, including CHBDC Mayor Alex Walker, the Regional Planning Committee received advice on 1 November 2017, and 7 February 2018 on these matters and options for how impacts of the new limits might be alleviated in the short term. The Committee failed to reach agreement on its preferred option. Consequently, there is no work underway or staff resourced to prepare a plan change to amend any of the minimum flow limits or anything else currently in the RRMP as a result of Plan Change 6 becoming operative.

4. We also note it is the role of the district council in particular to work with its community to ensure community well-being is achieved consistent with the statutory planning framework in PC6 as required by the Board of Inquiry.
5. The Board of Inquiry decision was consistent with the RMA 1991 and the NPS Freshwater and their provisions for ensuring that the life-supporting capacity of freshwater is safeguarded. With any request for a change to implementation dates of the Tukituki minimum flows there needs to be comprehensive consideration of the implications for the ecological health of the awa.
6. There is very limited engagement by HBRC with the wider community to inform its response to the request from the Tukituki Water Taskforce. Te Taiao is concerned that very few people in the region understand the implications of the request for deferral and, indeed, very few people and organisations have been contacted about the proposal. Moreover, the letter was sent out on 16 January, only by 'snail mail' as the regional council says it used the Board of Inquiry address list and this did not have email addresses. To be frank, this is a poor justification for not sending the letter electronically as the regional council already has email addresses for most if not all the participants in the original Tukituki Plan Change. Using snail mail meant that the letter was often not received until very soon before the 1 Feb – the deadline for responding. The timeframe is extremely short and very inadequate for many people in the regional community who are on holiday, or busy with the start of the new

47

Item 5

school year or the demands of horticulture at this time. The letter states that we are being contacted at an early stage but does not indicate what the subsequent stages are.

There are numerous other concerns we have, such as the interventions put in by regional council staff as indicated by the statement in the letter "We will also contact those of you who have water permits with minimum flow conditions to better understand how this proposal might affect you."). However, time does not allow us to fully elaborate on these concerns.

Te Taiao **requests** that HBRC reinforce to the Taskforce the nature of its role and status, and ensure that the Taskforce adheres to its purpose.

Te Taiao **requests** that HBRC be more proactive in addressing the situation that underpins the concerns in the Central Hawkes Bay district, namely, the full allocation of Ruataniwha groundwater. This was recognised by the Board of Inquiry, and is the reason why minimum flows need to be increased within the timeframe specified in PC6.

Te Taiao wishes to participate in a meeting with other stakeholders about this matter.

Te Taiao is very concerned about suggestions that the Taskforce, or a variant of it, should be used to assist staff in the science co-design. The TANK process has not yet been demonstrated to be a successful model and has a number of limitations, not least the underrepresentation of key stakeholders and the length of time it has taken. According to 14 November report to HBRC Environment and Services, the Taskforce membership currently has 8 regional council staff, 3 HDC staff, 1 DOC staff member, 4 representatives of water users, 2 taiwhenua representatives, 2 Forest & Bird representatives, 2 Fish & Game representatives, 1 representative from the Ongaonga/Tikokino community and 2 from an organisation called Project Haus which we understand is a consultancy providing project management services. The membership of the Taskforce is not sufficiently inclusive of all in the catchment, nor is it appropriately balanced, that it can be considered a stakeholder group. Much greater transparency, inclusiveness and accountability is needed both by the Taskforce and by any future stakeholder group.

Yours sincerely



Terry Kelly
for Te Taiao Hawke's Bay Environment Forum

Attachment 3

1 February 2019

Dale Meredith
Senior Policy Planner
Hawkes Bay Regional Council
Napier 4142

By Email:

Tēnā koe

Tukituki Minimum Flow Regime – Request for Deferral

1. This correspondence records my concerns about the draft Catchment Minimum Flows proposal (**"the draft proposal"**), attached to your letter of 16 January 2019, for deferral of the minimum flow regime in the Tukituki catchment, to be presented to the Regional Planning Committee (**"the Committee"**). I have previously submitted on Plan Change 6 in my submission to the Hawkes Bay Regional Council's (**"the Council"**) Annual Plan (2017-2018).
2. I do not consider that the draft proposal in its current form can be submitted to the Committee for their consideration. I also personally object to any deferral of the minimum flow regime for the Tukutuki catchment.

Breach of Mandate

3. The mandate to develop the draft proposal is contained in a letter from the Tukituki Water Taskforce (**"the Taskforce"**), dated 20 November 2018. That correspondence clearly states that its request is subject to Tranche 2 consents being publically notified. However, your own letter seeking stakeholder feedback makes no mention of Tranche 2.
4. You clarified this omission in your correspondence to me of 30 January by pointing out that consent processes are separate to plan-making processes. That accepted, then the Taskforce's request cannot be considered until they have been notified and afforded an opportunity to discuss, and possibly revise, their request.

Incorrect and Insufficient Provision of Information

5. Firstly, the Taskforce requested a deferral for two summers (2018/2019 and 2019/2020). However, the draft proposal shows deferral until 2021. Your explanation that it is straightforward to pull back to a tighter timeframe does not bear scrutiny. This is a clear misrepresentation of the Taskforce's request, and must be corrected.

48

Item 5

Attachment 3

6. Secondly, I requested from you the following information:
- (a) Who exactly are the “water users” and by what process have they had input into the Taskforce, who are making this request on their behalf? and
 - (b) Have the Taskforce been presented with a plan indicating how the water users intend to “develop and implement sustainable long-term ways to meet the minimum flow regime?”.
7. In response to both the above requests for clarification you referred me back to the Taskforce.
8. This information, and especially (b) above, is critical if the Committee are to make an informed decision about whether to proceed with a possible plan change. It is unrealistic to anticipate a decision without any idea about how the water users (not identified) intend to utilise the requested timeframe of two summers to implement steps to meet the minimum flow regime.
- Current Crisis of Tukituki River*
9. I am a long-term Central Hawkes Bay resident who has grown up along the banks of the Tukituki river. I have, over the past decade, witnessed the steady and accelerating deterioration of the Tukituki river during summer, coinciding with the introduction of pivot irrigators in the district.
10. This October the river at the Waipukurau over-bridge was at the lowest level I have ever witnessed at that time of summer. Fortunately, relief arrived by way of unseasonal heavy rains. Next summer, with normal seasonal rain levels, the river will likely be reduced to a trickle by December. These reduced flow levels are synonymous with pollution, destruction of the ecosystem and loss of recreational use.
11. I, along with a growing number of New Zealanders, have moved beyond angst, to anger, concerning this unsustainable situation. I refer you to the recent Colmar Brunton poll, available online, showing that 82% of New Zealanders surveyed are concerned about freshwater quality, and support stronger regulations regardless of the potential impact on intensive farming.
12. Until the omissions in the draft proposal, identified above, are addressed I do not support its submission to the Committee. I also strongly object to the implementation of any deferral. The Tukituki river is in crisis now, and the Plan Change 6 minimum flow regime requires immediate enforcement.

Noho ora mai



Dr Trevor Le Lievre

Attachment 3

49

Dale Meredith

From: wawallace
Sent: Friday, 1 February 2019 3:49 PM
To: Dale Meredith
Subject: Tukituki Minimum Flow Regime

Good afternoon Dale,

I reply to you letter of 16 January 2019 regarding the possible plan change to defer the commencement of the new July 2108 Tukituki minimum flow regime for two years.

There is an inconsistency between your letter, proposing a deferral for a further two years to 1 July 2121, and the request by the Tukituki Taskforce on 20 November 2018 unanimously resolving that the increase be for two summers, 2018/2019 and 2019/2020.

I think that some of the members of the Taskforce may take issue this.

Please explain the reason for extending the deferral date by one more year.

Regards,

Anne Wallace

Message sent via Inspire Atnail - <http://www.inspire.net.nz>

Item 5

50

Item 5

30 January 2019

Dale Meredith
Senior Policy Planner
Hawke's Bay Regional Council



Tena koe Dale,

RE: Tukituki Minimum Flow Regime

Ngāti Kahungunu Iwi Incorporated submitted on Tukituki Catchment Proposal and Plan Change 6, working alongside Taiwhenua, Marae and Hapu.

The iwi and others exhausted a significant amount of time energy and resources participating in this process. The views and aspirations of the iwi in regards to the obligations of tangata whenua as kaitiaki for the Tukituki are well known and captured in our submission. The iwi sought better environmental outcomes for the Tukituki and opposed the methods of management proposed by Hawke's Bay Regional Council, the findings and decision of Board of Inquiry predominantly agreed, that is improvement and greater protection of the Tukituki is justified.


Councils choice to entertain such proposals is a backwards step and contrary to the position and progress towards improving environmental outcomes and water quality that the Councils purports to represent and champion.

Freshwater objectives are already not being met in the Tukituki and as per the National Policy Statement for Freshwater Management and significant over allocation exists. The deferral of the minimum flow regime will prolong the issue of over allocation. Importantly, entertaining the thought and permitting it would set a dangerous precedent and costs to the public.

It is clear to see that speculation investment was made in the hope of a water storage scheme to support individuals and corporate business investment, those risks and impacts should not be transferred to the public nor the river.

We're interested in meeting to discuss further.

Heoi ano



Ngāio Tiuka
Director Environment and Natural Resources - Pouarataiki Te Taiao me on Rawa
Ngāti Kahungunu Iwi Incorporated

Attachment 3

Attachment 3

51

Dale Meredith

From: George Harper
Sent: Friday, 1 February 2019 3:09 PM
To: Dale Meredith
Subject: Tukituki plan change

Dear Dale,

Thank you for your correspondence re. Tukituki Water Task Force.

I am strongly opposed to the deferral of the plan until 2023. The water users have had plenty of time to modify their needs to meet the legal requirements.

Our rivers and water are degraded and we cannot afford "to fiddle while Rome burns"

Kind regards,

George Harper.

Item 5

52

Item 5

30 January 2019

Dale Meredith
Senior Policy Planner
HBRC
dale.meredith@hbrc.govt.nz

Tena koe Dale,

We are in receipt of your letter of 16 January and the 2 attachments. We make the following comments in response to the letter.

1. The Tukituki Plan Change (PC6) and the Ruataniwha Water Storage Scheme (RWSS) were considered concurrently by a Board of Inquiry (BOI) who had access to a large amount of evidence inclusive of scientific research results, tikanga Maori / cultural evidence and statements, social impact effects assessments, economic analyses and reports on ecological condition and effects on the Tukituki River, its tributaries and the Ruataniwha Aquifer System. Flow losses to the Ruataniwha Aquifer System through stream bed conductance was also a significant issue.
2. Throughout the hearings it was made clear to all participants including submitters for and against the RWSS, to HBRC staff, tangata whenua, the environmental lobby and to existing irrigators and farmers, that PC6 would go ahead in its finalised form whether the RWSS progressed or not. This implied that the RWSS should not be relied upon as the sole provider or conduit for irrigation security, economic returns or environmental enhancement throughout the Tukituki catchment. PC6 was drafted by the commissioners, in part to help improve the ecological health of the Tukituki catchment, and the staged increases to minimum flows were part of this gradual improvement, along with the Tukituki Plan Change 6 Implementation Plan.
3. The Regional Planning Committee (RPC) considered PC6 once it had progressed through all statutory phases, and resolved to recommend to HBRC to approve the plan change to the Hawke's Bay Regional Resource Management Plan (including its minimum flow provisions). HBRC affixed their seal to the plan change and made it operative in October 2015. The plan change was endorsed by both the HBRC and the RPC, and has the power of regulation
4. Water permit holders due to be affected by the plan change and the new minimum flows scheduled to come into effect in July 2018, had ample time to come up with methods and farm management options to minimize the effects of the new flow minima from the time

Attachment 3

52

Attachment 3

Item 5

the policy and rules relevant to these flows were agreed too between experts representing several parties, including Federated Farmers of New Zealand, Irrigation New Zealand, Horticulture New Zealand, tangata whenua, environmental parties and others. The policy and rules have been common knowledge since 2013 and operative for over 3 years.

5. HBRC also approved an implementation plan for the Tukituki Plan Change, which the new flow minima and the 1 July 2018 date are part of. These flows allow for a gradual transition towards the final flows which become applicable in 2023, so the effects on water users and irrigators had already been considered as part of the decision-making process on minimum flows by the BOI. Although not ideal for everybody, this flow regime provided a balanced approach after consideration of environmental, economic, cultural and social matters.
6. There is no new or compelling evidence that provides a balanced rationale for delaying or postponing the new minimum flows for the Tukituki River and its tributaries. If the affected irrigators have not been able to come up with a solution to ease the burden of the operative minimum flow regime over the last 5 years, or for mitigating their effects on the Tukituki and its tributaries from an ecological perspective, then it is not likely allowing more time would reveal a solution.
7. July 2023 is almost 8 years after PC6 became operative. Plans drafted under the Resource Management Act are typically reviewed after 10 years. It would be more sensible for those promoting higher minimum flows to undertake more research to find management options that are more sustainable rather than undoing decisions that many in the community were part of through the statutory process for PC6.
8. In my view, failing to abide by the results of what was a robust BOI process should not be condoned at this time. The relevant minimum flow policies and other plan provisions were drafted to help improve the ecological health of the Tukituki. They are part of a suite of provisions that were planned to coincide with the gradual implementation of the NPSFM and improvement of water quality throughout the region. There is no logical reason for undoing the decisions from the BOI or for delaying ecological improvement in the Tukituki or Waipawa Rivers, increasing habitat for a range of indigenous fish species and for trout, or providing more for tikanga Maori values improvement so that a few people can profit.
9. It is not apparent what minimum flow conditions and dates are included in existing water permits/resource consents for abstraction of water from within the Tukituki catchment that are regulated through minimum flows in PC6, and whether such consents contain operative minimum flows or not. It would be useful to clarify if such consents are restricted by flow minima and whether they would be subject to changes to consent conditions were a plan change to occur. This in itself would be an undermining of due process were it to occur. It would need to be resolved what status applied to changes to consent conditions and whether these would be notified to enable public participation, in light of the proposal to amend the operative RRMP.
10. Nitrate-nitrogen and Dissolved Inorganic Nitrogen concentrations in PC6 that relate to surface water were predicated partly on some dilution due to increases in minimum flows. A plan change to reduce the minimum flows in the Tukituki, Waipawa, Tukipo and

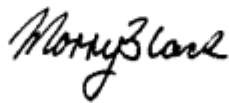
51

Item 5

Mangaonuku would affect the achievement of the DIN objectives and targets in the operative plan.

We disagree with the suggestion/proposal to change the minimum flow regime for the Tukituki catchment, including deferring or amending the operative provisions in the RRMP that apply to the Tukituki and Waipawa River catchments at this time. Many Tukituki plan change provisions are interlinked and reducing minimum flows without due consideration for other objectives, policies and rules would not promote sustainable management.

Nga maua,



Morry Black
Mauri Protection Agency
P O Box 516
HASTINGS
4156

Attachment 3

53

Dale Meredith

From: Paddy
Sent: Friday, 1 February 2019 4:31 PM
To: Dale Meredith
Subject: Tukituki Minimum Flow Regime

Your letter dated 16 February 2019 refers.

I am writing to express my concerns on this issue and process.

The delay in the distribution and mail out meant that I did not receive your letter until 2 days ago.

This meant I have only 2 days to respond to your deadline.

I note however that the Tukituki Taskforce meeting and resolution was on 20 November 2018.

This short window for consideration of this issue since 20 November last year is most unsatisfactory, and does not give sufficient time for a properly considered response.

Secondly, it is not clear from the letter who the applicants who signed the request for deferral are.

If however they are large scale irrigators, then they have had, and still have, several years to make the adjustments necessary to meet the Plan change minimum flows set by the Board of Inquiry.

The Board of Inquiry decision was based on hearing a full range of evidence, which was subject to cross examination, before the current limits were set.

This now proposed Plan Change would over-ride the Board of Inquiry decision without the same level of evidence and scrutiny that was brought to the decision by the Board of Inquiry. It would seem to me that such a decision to over ride the Board of Inquiry decision, without a full range of evidence, would likely lead to an appeal of any decision by the HBRC to reverse such a change to the low flows.

Thirdly, I refer to the reference in the second to last paragraph of the request saying "subject to Tranche 2 consents being publicly notified, to meet Plan Change 6 by 2023"

This is a confusing reference. What is the situation if Tranche 2 water is not in fact available, and there is therefore no publicly notified consent process?

The relevance and importance of Tranche 2 water is not at all explained in the application or supporting letter.

Fourthly, with reference to the shortage of water for people in Tikokino and Ongaonga.

I am aware of their shortage of water due to falling water table levels, but I understand this is due to the high levels of extraction by other water users.

If the purpose is to give greater water supply to these residents, and the cause is the high takes by others, then the remedy is not in the overall Tuki Tuki low flow levels, but in restricting the high water users so that there is a better balance between them and the residents of Tikokino and Ongaonga.

Lowering the low flow levels for the whole of the Tukituki is the wrong answer to this aspect of the problem.

In summary, the information to date is too cursory and without sufficient information to be able to support the Task Force request.

A much better explanation of the need and justification for this request is required, including an independent assessment of the impact on the ecology of the river and the impact on the quality of the water.

Yours sincerely,

Paddy Maloney.

54

Dale Meredith

From: pjkr.baker[REDACTED]
Sent: Friday, 1 February 2019 11:26 AM
To: Dale Meredith
Subject: Tukituki Minimum Flow Regime

Dear Dale,

Thank you for sending me information on the plan change proposal to defer application of minimum flow.

As a member of Te Taiao HB Environment Forum I have worked collaboratively on our response with the group so I endorse the letter of Te Taiao from Terry Kelly and oppose the proposal.

Thank you,

Jenny Baker

Item 5

Attachment 3



Dale Meredith

From: Taryn Jones
Sent: Friday, 1 February 2019 6:02 PM
To: Dale Meredith
Subject: Proposal of the Tukituki Water Taskforce

Dear Dale

As an original participant in the Tukituki Plan Change, a community member of Central Hawke's Bay, a recreational user and appreciator of the Waipawa, Tukituki and their tributaries and a consumer of the groundwater of Ruataniwha via the shallow bores of the Waipawa I would like to register my opposition to the proposal of the Tukituki Water Taskforce.

Water takers have had sufficient time to change their water usage to meet the decision of the Board of Inquiry. The requirements should have been no surprise to them as they had far more warning than the rest of the community.

The flow regime was determined by law and as such the requirements were clear.

The tack of deferring environmental bottom lines and improvements by farming groups is unfortunately nothing new, and more often than not it's the same; do nothing until the deadline then claim it's been impossible to meet. I listened to the Regional Planning Committee meeting where this was discussed and was disappointed that those speaking in the interests of "the CHB community" were somehow representative. What they are representative of is the continued exploitation of our rivers and environment which in the long term is the antithesis of being beneficial to our wider community and is only in the interest of a select few.

I agree with another friend that the Tukituki Water Taskforce, whose members have been selected in anything but a transparent fashion, are not negotiating or acting in good faith. As he has said, if they were to be they would agree to a legally binding obligation (with penalties to individual members of the water taskforce and to all other irrigators who are beneficiaries of the delay) to:

1/ Meet the low flow obligations at the new deadline

2/ Agree not to contest the implementation, or time, of the 2023 deadline.

If you are unable to secure this legal commitment it will be clear that this is a bogus negotiation with an underlying intent to push out any later deadlines.

I do not believe it is within the HBRC remit to defer the deadlines for low flows. As such the request for a plan change, at a cost of over \$300k to Hawke's Bay ratepayers on top of the millions wasted on the scam of the Ruataniwha dam, should be declined and the minimum flow regime, due last year, should be enforced. No drop of water running down a river is wasted; it's part of a living system that doesn't exist to be exploited. The sooner we live within the parameters of our environment the better as we can't exist outside of it.

Kind regards

Sent from Mail for Windows 10

Dale Meredith

From: Downstream Poplars Ltd
Sent: Monday, 4 February 2019 7:39 PM
To: Dale Meredith
Subject: Re: LETTER: TUKITUKI MINIMUM FLOW REGIME

Hi Dale,

I realise I have missed your reply date but am passing on the feedback I have received in case it's not too late.

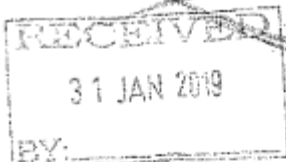
I had 5 responses from 8 lot owners from Downstream Poplars (Kahuranaki Rd). Mostly, people supported the proposal and felt they had limited knowledge to oppose. One lot owner objected and felt "put your money where your mouth is" and that delaying min flow could be too little too late.

Kind regards,

Angela Wylie c/o Downstream Poplars Ltd

Item 5**Attachment 3**

Attachment 3



16 January 2019

Jeremy Dunningham

Please see over for comment

Dear sir/madam,

TUKITUKI MINIMUM FLOW REGIME

The Hawke's Bay Regional Council is considering a **possible plan change to defer the commencement of the new July 2018 minimum flow regime by two years**, in response to a request by the Tukituki Water Taskforce late last year. The deferral is intended to provide sufficient time for water takers to develop and implement sustainable long term ways to meet the new minimum flow regime, which takes full effect in 2023. The Taskforce is concerned that individual short term solutions may not achieve longer term community wellbeing. A copy of the Taskforce's request is attached, for your information (refer to **Attachment 1**).

Plan change proposal to defer application of minimum flow

Such a plan change requires a simple change of words to the Hawke's Bay Regional Resource Management Plan. A draft proposal is attached which defers the commencement of the new minimum flow regime for a further two irrigation seasons, from now to **1 July 2021** (refer to **Attachment 2**). The date from which the final minimum flow regime applies, 1 July 2023, remains unchanged.

Why we are contacting you

As a participant in the original Tukituki Plan Change, a water permit holder in the Tukituki Catchment, or iwi with an interest in the Tukituki Catchment, you may have an interest in any deferral proposal.

It is desirable to have support from all stakeholders and affected parties before proceeding, as the purpose of such a plan change is, at minimal cost, to ease the transition to the final 2023 minimum flow regime. This should enable the Tukituki Water Taskforce and those with takes that are directly or highly connected to surface water to focus on priorities for rationing and sharing water, as well as developing other more sustainable ways of taking and using water.

Your response please

We are contacting you at this early stage to find out what you think about this proposal, and if you have concerns, what is the nature of your concerns.

If you have any concern, or would like to voice your support to proceed with this deferral proposal, please let me know by **Friday 1 February 2019**.

Hawke's Bay Regional Council

159 Dalton St. Private Bag 6005, Napier 4142, New Zealand Tel 06 835 9200 Fax 06 835 3501 Freephone 0800 108 838

www.hbrc.govt.nz

HBRC Scanned - 31012019 - 0409

Item 5

Offer to meet

If you have serious concerns about deferring the application of the revised minimum flow regime (remembering that a minimum flow regime has already been in place for the Tukituki for some years), a meeting may be more appropriate to discuss your concerns and how they might be addressed.

Please contact me if you would like to meet to discuss this matter further.

Next steps

A report will be prepared for the Regional Planning Committee, which next meets on Wednesday 20 February 2019, informing them of your responses and advising further action accordingly.

We will also contact those of you who have water permits with minimum flow conditions to better understand how this proposal might affect you.

I look forward to hearing from you.

Yours sincerely



DALE MEREDITH

SENIOR POLICY PLANNER

Phone: (06) 835 9200 extn 9378

Email: dale.meredith@hbrc.govt.nz

Hi Dale,

31/1/19

Thanks for this. Generally speaking, I would bow to the collective wisdom of Council staff and elected reps on this issue. I guess my main concern is that the issues raised in the request from the TW are very generalised, there is no clear action plan with goals and dates set out in a measurable way, which raises my concern that it's simply a vague deferral process to "put the issue to bed" for a few years. I would have expected that my request for deferral would have been accompanied by a clear action plan, rather than the somewhat bland and meaningless statements in the letter. Hopefully when the issue is discussed on 20/2/19 clarification can be sought, and by then the TW is much more purposeful in its approach.

Jeremy

Attachment 3

The Senior Policy Planner,
HBRC
Private Bag 6006,
Napier, 4142

Attention: Dale Meredith

30 JAN 2019

26 JANUARY 2019

Kio Ora,

Re: Proposed Deferment of Minimum Flows Regime

With regards your 16 January letter in respect of the above and as a participant in the original Tukituki Plan Change, I have a number of concerns about the proposal:

- (1) The claim by the Taskforce of unanimously resolving the proposed deferment is, as I understand it, stretching the truth - the two Forest & Bird representatives, for instance, gave their tentative support subject to ratification by their branch which ratification has not happened yet; that also gave them a chance to talk to the head office of F&B (which I understand has since given its view)
- (2) The Taskforce Resolution was for two summers (2018/19 and 2019/20) not the three that is set out in Attachment 2; I see no evidence that a third summer being added at this stage, will assist.
- (3) The longer the minimum flows regime is deferred, the more likely is that the QUANTITY of the catchment will be irreparably degraded.
- (4) The Taskforce Resolution was also made subject to Tranche 2 concerns being publicly notified. I understand that Tranche 2 considerations are not within the jurisdiction of the Regional Planning Committee and that is why you have not mentioned it on your letter. I have not spoken to the Otago and Tairāwhiti residents' representatives but I bet the Tranche 2 proviso was pivotal in their (and others') support for the Resolution. They will no doubt be feeling "shuffled" by the process at this point.
- (5) With regards Attachment 2, it would have been helpful if the existing minimum flows had been added, for comparison.

P.T.O.

Item 5

(6) I also think the major problem for the Tukituki Catchment is not a lack of water but RATHER an inappropriate allocation of that resource.

I think the Taskforce needs to concentrate its energy into identifying how efficiently the water is being used by each water user with a goal of cutting back the allocation of the inefficient-users.

That would then more likely solve the problems faced by Ongaonga and Tuhiono.

It may even make further allocations available to existing and new efficient-users

Thank you,

Ka kōwhiri

G.P. Parn

(G.P. Parn)

THE SENIOR PLANNING
H.B.R.O.
PRIVATE BAG 6006,
NAPIER, 4112

61

Dale Meredith

From: Paula Fern
Sent: Thursday, 31 January 2019 11:04 PM
To: Dale Meredith
Subject: Tukituki Minimum Flow Regime

Dear Dale

As an original participant in the Tukituki Plan Change, a community member of Central Hawke's Bay, a recreational user and appreciator of the Waipawa, Tukituki and their tributaries and a consumer of the groundwater of Ruataniwha via the shallow bores of the Waipawa I would like to register my opposition to the proposal of the Tukituki Water Taskforce.

Water takers have had sufficient time to change their water usage to meet the decision of the Board of Inquiry. The requirements should have been no surprise to them as they had far more warning than the rest of the community.

The flow regime was determined by law and as such the requirements were clear.

The tack of deferring environmental bottom lines and improvements by farming groups is unfortunately nothing new, and more often than not it's the same; do nothing until the deadline then claim it's been impossible to meet. I listened to the Regional Planning Committee meeting where this was discussed and was disappointed that those speaking in the interests of "the CHB community" were somehow representative. What they are representative of is the continued exploitation of our rivers and environment which in the long term is the antithesis of being beneficial to our wider community and is only in the interest of a select few.

I agree with another friend that the Tukituki Water Taskforce, whose members have been selected in anything but a transparent fashion, are not negotiating or acting in good faith. As he has said, if they were to be they would agree to a legally binding obligation (with penalties to individual members of the water taskforce and to all other irrigators who are beneficiaries of the delay) to:

- 1/ Meet the low flow obligations at the new deadline
- 2/ Agree not to contest the implementation, or time, of the 2023 deadline.

If you are unable to secure this legal commitment it will be clear that this is a bogus negotiation with an underlying intent to push out any later deadlines.

I do not believe it is within the HBRC remit to defer the deadlines for low flows. As such the request for a plan change, at a cost of over \$300k to Hawke's Bay ratepayers on top of the millions wasted on the scam of the Ruataniwha dam, should be declined and the minimum flow regime, due last year, should be enforced. No drop of water running down a river is wasted; it's part of a living system that doesn't exist to be exploited. The sooner we live within the parameters of our environment the better as we can't exist outside of it.

Kind regards

Paula Fern

Sent from my iPad

62

Dale Meredith

From: clint.deckard
Sent: Tuesday, 12 February 2019 8:23 AM
To: Dale Meredith
Subject: Plan change proposal to defer application of minimum flow

Item 5

Morena Dale,

The February 7th meeting of the Central Hawke's Bay branch of the Royal Forest and Bird Protection Society of New Zealand unanimously passed the following resolution; "that the Central Hawke's Bay branch of the Royal Forest and Bird Protection Society wholeheartedly endorses the January 24th submission from our national office on the HBRC plan change proposal to defer application of minimum flow."

Whilst our members were willing to entertain some leniency around the introduction of the low flow regime, they are frustrated that the proposed plan change goes beyond the request agreed to by the Tukituki water taskforce by adding an additional year to the delay. The proposed plan change also ignores the condition contained in the request and fails to identify any methods for how water users will 'transition' to the new flows. Further, the taskforce request was not endorsed by Forest & Bird, yet was circulated to the community as a 'unanimous' position on which to base the proposed plan change. The branch therefore is opposed to the proposed plan change.

Nga mihi nui,

Louise Philips
Clint Deckard

Co-chairs Central Hawke's Bay Branch
Royal Forest and Bird Protection Society

Attachment 3

Attachment 4: Preliminary Assessment of Plan Change Options

- Three options with respect to deferral of the 2018 Tukituki Catchment minimum flow regime are assessed:
 - Option 1: the standard plan-making process;
 - Option 2: the streamlined process;
 - Option 3: Making no change to the RRMP
- Table A provides a preliminary assessment only of the three options. If the RPC and Council were to agree that a plan change is to be prepared, then a further fuller evaluation in terms of s32 RMA will be necessary. To be clear, Table A is not a s32 evaluation report but its content will likely shape one if a plan change is to be prepared and publicly notified.

Table A: Preliminary evaluation of costs, benefits & risks

	Option 1: Amend RRMP to defer new minimum flow regime to 1 July 2021		Option 2: RRMP's minimum flow regime is unchanged
	1A: Standard path	1B: Streamlined path	
Environmental: • Benefits	Opportunity for more environmental gains in longer term (additional time enables mitigation with more & better benefits to be identified & implemented).		Benefits of the 2018 higher minimum river flows are achieved until resource consents are renewed or reviewed again (consents have already been reviewed to add the 2018 minimum flow regime and HBRC cannot review further until another plan change is made operative).
Environmental: • Costs & risks	Risk that resource consent holders will delay taking mitigation action as flows lower, and may breach resource consent conditions on the assumption that the deferred date applies immediately, or compliance action will be less severe (resulting in those environmental costs associated with breaching the minimum flow). Perception that further time deferrals will be requested, delaying further the environmental gains of the higher minimum flow regime.		Risk of fewer environmental gains from water left in the river arising in the longer term from too hasty decision-making & sub-optimal investments in environmental mitigation.
Economic: • Benefits	Perception of more time to investigate alternative water sources, mitigation and other adaptations, enabling better longer term investment decisions. Employment levels are likely to stay the same over this transition period. Perception that over the deferral period, there may be lighter compliance action costs arising from any breach of a resource consent's minimum flow condition.		Resources are focussed on adapting to changing water availability & quality requirements, rather than being diverted into plan change participation.
Economic: • Costs & risks	Water users must still meet the costs of complying with their resource consent conditions until any deferral plan change is made operative and their consents are reviewed. Unbudgeted costs incurred by Council for plan change preparation – e.g. staff resources, supporting studies, programmed work being deferred, legal costs, hearing costs. Costs to submitters of preparing for and participating in the plan change process.		Individual responses to reduced water availability (made under pressure from higher minimum flows applying now) may cumulatively cost more in the longer term. Cost of changing farm systems to changing water availability happens more quickly: now and not in 2 years. These include land value being reduced if no mitigation is in place to address reduced security of water supply. Risk of reduced: • production

			<ul style="list-style-type: none"> income & spending use of support services local economic wellbeing local community wellbeing <p>Risk of business collapse being greater if less time is provided for the transition:</p> <ul style="list-style-type: none"> farm off-farm
Social: <ul style="list-style-type: none"> Benefits 	Affected people are able to participate in either plan making process. Community benefits if employment levels are sustained. Stress levels are likely to reduce if there is more time to plan for the future, and people stay in employment.		
Social: <ul style="list-style-type: none"> Costs & risks 	Social friction from divided community.	Social friction from divided community. Those not directly affected may feel disenfranchised.	Social friction from divided community. If local income and expenditure is cut more quickly, adverse flow on effects for community wellbeing will be experienced more quickly. Risk to mental wellbeing from reduced incomes, higher short term costs and the possibility of more severe consequences if consent terms are breached that result in compliance action.
Cultural: <ul style="list-style-type: none"> Benefits 	Affected iwi are able to participate in either plan making process. If there is no immediate change to land use and employment, this would aid in maintaining current economic drivers and systems. This would ensure that there is employment for Māori, and maintaining general wellbeing of Māori communities. Cultural memory is maintained (as people are less inclined to move away).		Ecosystem health improved, mana enhances, māuri enhanced, tāonga protected. Māori able to practice tikanga, kaitiakitanga role empowered and recognised.
Cultural: <ul style="list-style-type: none"> Costs & risks 	Diminishes mana and mauri. The tāonga is not respected, tikanga not followed by all within the community. Māori may not feel empowered to undertake their role as kaitiaki. Costs to the environment and impacts on ecosystem health impact on Māori ability to connect with their water, their ancestors and cultural practices: <ul style="list-style-type: none"> Rituals of cleansing (birth and death) Collecting food Supporting the Māori community Ability to host manuhiri etc 		In addition to Social costs above, adverse impacts on employment for local Māori community wellbeing. Potential for displacement of Maori if less local employment opportunities.
Efficiency & effectiveness	Requires additional resources (of Council & community) to change plan Opposition to proposal may increase costs substantially, especially if there is any appeal.	Requires additional resources (of Council & community) to change plan Assumes that those directly affected can be readily identified Minister's approval to use pathway and to approve change:	Budgeted resources remain focussed on implementation of operative regime, including ground truthing possible new systems and working effectively with stakeholders and water users. HBRC's resource management policy work programme is not changed and enables staff to maintain current work programme commitments. Efficient and effective in terms of plan

	<p>Any appeals may not be resolved within the next 2 years, thus negating key driver of the proposed deferral. Faster, more efficient option if strong support & no likelihood of appeal (could be made operative in as little as six months if no hearing required and no appeals). Council retains control of process, including the ability to withdraw the proposed plan change. Granting one deferral may risk setting a perceived precedent for further deferral requests, thus creating inefficiencies and reducing ongoing plan effectiveness. Any deferral will not affect the 2018/19 irrigation season.</p>	<ul style="list-style-type: none">• adds time to start & end of process• limits public participation rights compared to standard plan change process• Limitation of public participation rights (especially, no Environment Court appeal rights) but removes risk of some elongated legal challenges. <p>Opposition to proposal may increase costs substantially. Risk of judicial review of Minister's decision. Faster, more efficient option to amend plan if opposition (only one hearing & decision process) Minister controls plan change initiation and final decision. Any deferral will not affect the 2018/19 irrigation season.</p>	<p>making and plan implementation, as the provisions have been through PC6's Board of Inquiry plan making process to ensure that provisions meet plan objectives for the Tukituki Catchment.</p>
Risk management	<p>The best possible case for deferring the minimum flow should be presented – either to:</p> <ul style="list-style-type: none">• the Minister for the stream-lined process• the community using the standard process. <p>Presenting the best possible case would require a better understanding of the impacts of such a deferral, and a clear path forwards identifying how the 2023 minimum flow regime would be achieved. It should be made clear that only one time extension will be considered in the proposed plan change.</p>		<p>As alternatives to a plan change process, risks identified by the Taskforce could be managed by: Any additional resources that may be available (in lieu of resourcing a plan change) could be used to say, develop and implement the Tukituki Water Taskforce's implementation programme to meet the new minimum flow regime. A stepped compliance programme could be introduced to foster compliance and investment in mitigation and adaptation within the existing consent conditions. One or more water users could at any time, initiate a private plan change request process. However, there is no certainty that they would achieve a satisfactory outcome in sufficient time for there to be any timely benefit.</p>

Planning tracks summary comparison



This chart compares the three processes which local authorities can apply to develop, review or change regional policy statements (RPS) and regional and district plans under the Resource Management Act (RMA) 1991. This table aims to provide a high level starting point for familiarisation with the different planning options available. It excludes designation and heritage order processes. For detailed technical information see individual fact sheets.

	Standard Process – RMA Part 1 of Schedule 1	Collaborative Planning Process (CPP) – RMA Part 4 of Schedule 1	Streamlined Planning Process (SPP) – RMA Part 5 of Schedule 1
Description and purpose	<p>The purpose of the Standard Process is to provide rigorous analysis and transparent process for the development and change of RPS and regional and district plans. Part 1 of Schedule 1 provides extensive formal public involvement throughout the process and broad possibilities for appeal. The RMA amendments introduce the option of limited notification in certain circumstances.</p> <p>The Standard Process has been used since the enactment of the RMA in 1991; it is well understood and there is a lot of 'best practice' guidance available. However, it can be a lengthy process due to a number of process steps and potential appeals.</p>	<p>Under the CPP, a local authority establishes a collaborative community group to provide consensus recommendations, which must be 'given effect to' in the proposed RPS/plan. Submissions on the proposal are heard by a review panel, which provides recommendations to the local authority. These form the basis for the local authority's final decision on the new or changed RPS/plan. The scope of appeals hinge on council's acceptance or rejection of the recommendations of the review panel.</p> <p>Part 4 of Schedule 1 sets out detailed steps that must be followed. This option encourages greater front-end public participation and engagement to produce plans that better reflect community values and contain community-designed outcomes. The process is lengthy and requires considerable resources for all involved, and once initiated, a local authority cannot withdraw from the process except under specific circumstances outlined in the legislation.</p>	<p>The SPP enables a local authority to use a tailored plan making process under particular circumstances by applying to the Minister for the Environment. The local authority identifies the process they want to use as part of their application.</p> <p>If the Minister agrees, he or she then issues a direction which sets out the process steps, time frames and expectations for the RPS/plan/plan change process. The plan making process then follows the steps in the direction as opposed to existing schedule 1 process. Local authority decisions are subject to approval by the Minister, and cannot be appealed (with the exception of requiring authority decisions relating to designations/heritage orders). The SPP increases flexibility and speeds up decision making by providing a shortened public participation process and/or recognition of alternatives processes. The Act sets out the minimum process steps, but other steps can be added to reflect the nature of the issue being addressed.</p> <p>Private plan changes that have been adopted or accepted by the local authority can be subject to a SPP process, but the application to the Minister can only be made by the local authority in consultation with the plan change requestor.</p>
Matters/issues for which process might be appropriate	<ul style="list-style-type: none">» Development and review of RPS and whole plans» 'Rolling' reviews» Plan updates» Private and council initiated plan changes» Small fixes and improvements to plans	<ul style="list-style-type: none">» Development and review of RPS and whole plans» For contentious planning matters requiring balancing of different values (eg, management of natural resources such as freshwater, air sheds, coast)	<ul style="list-style-type: none">» Implementation of national direction» A significant community need (or urgency) (eg, post-disaster planning)» Alignment or combination of plan provisions or development of a combined planning document» Address unintended consequences of an existing RPS/plan» Where innovative plan making is desirable
Core elements			
Process (high level)	<ul style="list-style-type: none">» Consultation» Notification of proposed RPS, plan or plan change» Submissions, further submissions and hearing» Local authority decision» Appeals	<ul style="list-style-type: none">» Notify decision to use CPP» Establish collaborative Group and its terms of reference to develop consensus recommendations» Notify collaborative group's report» Prepare and notify proposed RPS/plan» Submissions and further submissions» Establish review panel to hold hearings and issue recommendations» Local authority decision	<ul style="list-style-type: none">» Application to the Minister to use SPP» Ministerial direction to local authority providing a tailored planning process» Consultation, full or limited notification and submissions on proposed RPS/plan/plan change» Additional steps if required by the Direction» Local authority submits recommended RPS/plan/plan change to Minister within specified timeframe» Minister approves/declines/requests reconsideration» Notified and made operative by the local authority
Timeframe	<ul style="list-style-type: none">» Statutory limit of two years from notification of proposed RPS/plan to final decision of local authority» In practice, the whole process often takes longer (up to several years) due to pre-notification consultation and appeals	<ul style="list-style-type: none">» No statutory timeframes for establishment of collaborative groups, development of consensus report and drafting of RPS or plan» Statutory limit of two years from notification of proposed RPS/plan to final decision	<ul style="list-style-type: none">» Timeframes to be prescribed in Minister's direction; can provide faster process than other processes» No plan appeals will reduce timeframes
Costs	<ul style="list-style-type: none">» Costs for pre-notification consultation» Costs to notify and process submissions» Costs of hearings and appeals, litigation	<ul style="list-style-type: none">» High level of resourcing from councils, iwi, community members and stakeholders» Members of the collaborative group to invest significant time in process» Costs in relation to the review panel» Costs to notify and process submissions» Reduced costs of litigation to councils and submitters through reduced appeals	<p>Potential to develop a more cost effective process, subject to the process set out in Minister's direction. As a minimum, costs will include:</p> <ul style="list-style-type: none">» Costs for pre-notification consultation» Costs to notify and process submissions and decision» Reduced costs of litigation

Please note that this table reflects the content of the Resource Legislation Amendment Act 2017 which obtained Royal Assent on 18 April 2017.

Attachment 5

Item 5

Standard Process – RMA Part 1 of Schedule 1		Collaborative Planning Process (CPP) – RMA Part 4 of Schedule 1	Streamlined Planning Process (SPP) – RMA Part 5 of Schedule 1
Māori/iwi interests and values	<div>» Consultation with tangata whenua during preparation through iwi authorities and relevant marine title groups</div> <div>» Provision of proposed RPS/plan to iwi authorities prior to notification</div> <div>» Consultation with tangata whenua on appropriateness of appointing a commissioner with understanding of tikanga Māori and of the perspectives of local iwi or hapū</div>	<div>» In determining whether to use the CPP process, a local authority must consider if iwi participation legislation can be accommodated within CPP and it will not be inconsistent with this legislation or iwi participation arrangements</div> <div>» At least one tangata whenua representative in collaborative group</div> <div>» Iwi consultation on proposed RPS or plan</div> <div>» At least one member of review panel must have understanding of tikanga Māori and perspective of tangata whenua perspectives</div>	<div>» Implications of process on iwi settlement legislation or participation arrangements to be considered by local authority when preparing request</div> <div>» Consultation with iwi authorities during SPP including pre-notification of proposed RPS/plan/plan change</div> <div>» Minister’s direction must not be inconsistent with iwi participation legislation or Mana Whakahono a Rohe: Iwi participation arrangement</div>
Consultation	<div>During preparation of RPS/plan:</div> <div>» Minister for the Environment and other affected Crown Ministers</div> <div>» Affected local authorities</div> <div>» Tangata whenua through iwi authorities and relevant marine title groups</div> <div>» Anyone else the council wishes to consult</div>	<div>Local authority must:</div> <div>» consider views and preferences expressed by persons likely to be affected or who have an interest in the issue when deciding the use of CPP.</div> <div>Collaborative group must:</div> <div>» collectively represent “a balanced range of the community’s interests, view and investments”</div> <div>» establish a process to obtain the views of local community and consider them in its work</div> <div>» report to the local authority showing how the group obtained and considered the views of the community.</div> <div>During preparation of RPS/plan:</div> <div>» Minister for the Environment and other affected Crown Ministers</div> <div>» Affected local authorities</div> <div>» Tangata whenua through iwi authorities and relevant marine title groups</div> <div>» Anyone else the council wishes to consult</div>	<div>During preparation of RPS/plan/plan change:</div> <div>» Minister for the Environment and other affected Crown Ministers</div> <div>» Affected local authorities</div> <div>» Iwi authorities</div> <div>» The person who requested the private plan change if relevant</div> <div>» Anyone else the council wishes to consult</div>
Notification and submissions	<div>» Public notification of documents proposed to be incorporated by reference</div> <div>» Public notification of proposed RPS/plan and accompanying documents</div> <div>» Option to limited notify changes in certain circumstances</div> <div>» Submissions, further submissions and hearings</div> <div>» Public notification of decision and when RPS/plan made operative</div>	<div>» Public notification of documents proposed to be incorporated by reference</div> <div>» Public notification of decision to use CPP</div> <div>» Public notification of appointment of collaborative group and their terms of reference</div> <div>» Public notification of report of collaborative group</div> <div>» Public notification of proposed RPS/plan and accompanying documents</div> <div>» Public notification of appointment of review panel on an internet site</div> <div>» Submissions, further submissions and hearings by review panel</div> <div>» Public notification of decision and when RPS/plan made operative</div>	<div>» Public notification of documents proposed to be incorporated by reference</div> <div>» Public notification of Minister’s direction</div> <div>» Public notification of proposed RPS/plan/plan change and accompanying documents</div> <div>» Option to limited notify changes in certain circumstances</div> <div>» Submissions</div> <div>» Public notification of decision and when RPS/plan/plan change made operative</div> <div>» Further process steps may be proposed by council and included in the Direction</div>
Final decision made by	Local authority	Local authority, based on recommendations from review panel	Local authority, but must be approved by responsible Minister (who may decline or recommend changes to the local authority) Requiring authority makes decisions on notices of requirement and designations and heritage protection authority on heritage orders
Appeal possibilities	<div>Available to any person who has made a submission or further submission</div> <div>» Merit appeals to Environment Court</div> <div>» Further appeals to Higher Courts on points of law</div> <div>» Judicial review of councils and Minister’s decisions available</div>	<div>Available to any person who made a submission:</div> <div>» On points of law to Environment Court only where council decision is consistent with review panel’s recommendations</div> <div>» Rehearing by Environment Court possible where council decision is inconsistent with review panel recommendations</div> <div>» Further appeals to higher Courts</div>	<div>Judicial review of councils and Minister’s decisions</div> <div>Limited appeals to the Environment Court and High Court on requiring authority and heritage authority decisions</div>
Examples	Best practice widely available (eg, on Quality Planning website)	The CPP is a new process; however there is a wealth of literature available on consensus decision-making processes, including tools and strategies to manage collaborative group dynamics. There are cases studies available of councils using collaborative processes in NZ for freshwater plans. All this material will be made available as part of the guidance package compiled for collaborative planning under the RMA.	The SPP is a new process; there is no best practice guidance available yet.

Disclaimer

The information in this publication is, according to the Ministry for the Environment’s best efforts, accurate at the time of publication. The information provided does not alter the laws of New Zealand and other official guidelines or requirements. Users should take specific advice from qualified professional people before undertaking any action as a result of information obtained from this publication.

The Ministry for the Environment does not accept any responsibility or liability whether in contract, tort, equity or otherwise for any action taken as a result of reading, or reliance placed on the Ministry for the Environment because of having read any part, or all, of the information in this publication or for any error, or inadequacy, deficiency, flaw in or omission from the information provided in this publication.

Published in April 2017 by the Ministry for the Environment | Publication number: INFO 786

Please note that this table reflects the content of the Resource Legislation Amendment Act 2017, which obtained Royal Assent on 18 April 2017.

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 17 April 2019

Item 6

Subject: TANGATA WHENUA REMUNERATION REVIEW

Reason for Report

1. This item seeks the agreement of the Committee, to the appointment of the Co-Chairs' nominated reviewer and Terms of Reference for the scope of the remuneration review.

Background

2. Tāngata whenua representatives' remuneration was previously reviewed in 2017-18, with effect 1 July 2018.
3. At its meeting on 12 December 2018, the Regional Planning Committee (RPC) considered a response to a request from the tāngata whenua Co-Chair and Deputy Co-Chair that the remuneration for tāngata whenua representatives on the RPC be reconsidered due to concerns about workload and inequity with councillor remuneration.
4. After consideration and considerable debate, the RPC resolved:
 - 4.1. 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.
5. Clause 13.2 in the 2014 Terms of Reference for the Regional Planning Committee states:
 - 5.1. The Tāngata Whenua Representatives and the Tāngata Whenua Co-Chair shall be remunerated for their services by the Council. The level of remuneration shall be determined promptly following each triennial election of Councillors by two independent persons (Appointees), one of which is appointed by the Council Co-Chair, and the other by the Tāngata Whenua Co-Chair. The Appointees must have regard to:
 - 5.1.1. the need to minimise the potential for certain types of remuneration to distort the behaviour of the Tāngata Whenua Representatives and the Tāngata Whenua Co-Chair in relation to their respective positions on the Committee
 - 5.1.2. the need to achieve and maintain fair relativity with the levels of remuneration received by elected representatives in RMA policy development roles, and
 - 5.1.3. the need to be fair both:
 - 5.1.3.1 to the persons whose remuneration is being determined; and
 - 5.1.3.2 to ratepayers; and
 - 5.1.3.3 the need to attract and retain competent persons.
6. Subsequent to the 12 December 2018 meeting, the Chief Executive has approached two independent providers seeking their proposals to undertake a review. Both parties have responded and these proposals were provided to the co-Chairs for their feedback. The co-Chairs agreed on the one preferred provider (Strategic Pay) be appointed to carry out the remuneration review.
7. The proposed terms of reference for the remuneration review are set out below.
 - 7.1. confirm current composition of Council and its committees

- 7.2. confirm current Regional Planning Committee (RPC) fees paid: base annual fees, separate committee fees; governance pool from when RPC fees were last reviewed
- 7.3. examination of Council and committee meeting schedule, and consider the time commitment for Tangata Whenua representatives on the RPC
- 7.4. examination of any projects or challenges of note confronting the RPC at this time
- 7.5. acknowledgement of any particular board skills or expertise that need to be considered e.g. "Making Good Decisions" training with respect to the Resource Management Act
- 7.6. reference to the Remuneration Authority for the setting of Councillor fee levels and fee structure
- 7.7. reference to current arrangements for the salary setting arrangements for Tangata Whenua representatives of the Regional Planning Committee
- 7.8. provide remuneration advice which is consistent with similar organisations throughout New Zealand to determine appropriate Committee fee levels for the RPC Tangata Whenua representatives
- 7.9. provide "scoring" of governance roles and positions on an independent, objective basis which is consistent with the State Services Commission's Cabinet Fees Framework 2012
- 7.10. evaluate the RPC governance roles and size these against fees paid in the NZ market for comparably sized roles
- 7.11. provide a final report within four weeks from project approval and delivery of all requested background materials which covers the following information
 - 7.11.1. background information and the context identified above
 - 7.11.2. recommendation summary
 - 7.11.3. application of SSC's Cabinet Fees Framework to governance roles of tangata whenua members
 - 7.11.4. results of Director evaluation methodology.

Financial and Resource Implications

8. The fee estimate for the independent review is \$8,900.00 excluding GST.

Decision Making Process

9. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
 - 9.1. The decision does not significantly alter the service provision or affect a strategic asset.
 - 9.2. The use of the special consultative procedure is not prescribed by legislation.
 - 9.3. The decision does not fall within the definition of Council's policy on significance.
 - 9.4. The persons affected by this decision are the tangata whenua representatives appointed to the Regional Planning Committee.
 - 9.5. The decision is not inconsistent with an existing policy or plan.
 - 9.6. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

Recommendations

That the Regional Planning Committee:

1. receives and notes the “Tangata Whenua Remuneration Review” staff report.
2. 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 this decision without conferring with the community or persons with an interest in the decision.
3. agrees to the appointment of the nominated party in accordance with the agreed Terms of Reference for the review of the remuneration paid to Post Treaty Settlement Entity appointed tāngata whenua representatives on the Regional Planning Committee.

Authored by:

Joanne Lawrence
GROUP MANAGER OFFICE OF THE
CHIEF EXECUTIVE AND CHAIR

Approved by:

James Palmer
CHIEF EXECUTIVE

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 17 April 2019

Item 7

Subject: HBRC 2019-20 ANNUAL PLAN APPROACH

Reason for Report

1. The Annual Plan 2019-20 is in draft so this report outlines the 'no consultation' approach the Regional Council is taking, and provides the high level messages that will be made available to the public commencing 9 April. The full content of the Annual Plan will be available for review at the Corporate and Strategic Committee meeting on 5 June.

Background

2. Every three years, the Council must adopt a ten year Long Term Plan (LTP). An Annual Plan (AP) is created for years two and three between the LTP. The 2019-20 financial year is year two of the 2018-28 LTP.
3. The Annual Plan process focuses on annual budgets and variations or material changes to the information provided in the LTP. Annual plans are adopted before the financial year starts on 1 July and have typically been subject to community consultation.
4. Changes to the Local Government Act in 2014, enable councils to adopt an annual plan without consultation if there are 'no significant or material differences' between the financials and service levels to what was forecast in the relevant year of the LTP.

No consultation Approach

5. The work programme for the upcoming year (2019-20) is a continuation of the step change in activity communicated to the community through the 2018-28 LTP. A 7.9% average rates increase was forecast in the LTP for 2019-20 and has not changed. There is also no significant or material change proposed to the levels of service. Therefore, the recommendation was made by staff (and agreed by Council on 6 March) not to consult on the upcoming Annual Plan 2019-20.
6. Instead, a communications programme will take place between April and June to **inform** the public about the Annual Plan 2019-20 using newspapers, social media and our website. Details of this communications programme are outlined following. The focus of the programme will be key messages drawn from the Introduction and Highlights parts of the Annual Plan.
7. A number of councils have taken a 'no consultation' approach for previous annual plans. Locally, this includes Napier City and Central Hawke's Bay District Councils.

Annual Plan Contents

8. The contents of the 2019-20 Annual Plan comprise three sections.
 - 8.1. Section 1: Introduction
 - 8.2. Section 2: Highlights
 - 8.3. Section 3: Financial Information

Communications Plan

9. A small number (approx. 50) of 2019-20 Annual Plan documents will be printed for minor distribution and staff reference. The entire document will be available online at <https://www.hbrc.govt.nz/documents-and-forms/>.

Date	Activity
17 Apr	Media release: Annual Plan 2019-20 – On track with Our Plan
17 April	Web content: content to be current in readiness for plan
05 June	Web content : Draft Annual Plan 2019-20 (content to remain current)

Date	Activity
05 June	Media release: Annual Plan 2019-20 – Accelerating our work
05 June	Facebook post : HBRegionalCouncil page A series of 'boosted' posts lightly covering the annual plan work programmes.
07 June	Email: to regional key stakeholders
11-12 June	Newspaper ads: (one page*) informing the community about Annual Plan 2019-20, appearing in: Hawke's Bay Today, Wairoa Star, CHB Mail *This can also serve as an internal/ external poster to explain our work programmes.

10. Local Government Act (LGA) requirements state: "A local authority must, within 1 month after the adoption of its Annual Plan:
- 10.1. make its Annual Plan publicly available
 - 10.2. send copies of that plan to:
 - 10.2.1. the Secretary for Local Government
 - 10.2.2. the Auditor-General
 - 10.2.3. the Parliamentary Library.

Next Steps

11. The following are the key milestones.

Date	Meeting	Purpose
17 Apr	Public information communications will commence	Advise the public of our No consultation approach for Annual Plan 2019-20
01 May	Regional Council meeting	Communications package with key talking points will be provided to Councillors
22 May	Finance Audit & Risk Sub-committee	First review draft full content
05Jun	Corporate and Strategic Committee meeting	Present final content for all sections for feedback
26Jun	Regional Council meeting	Adopt Annual Plan 2019-20

Decision Making Process

12. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

Recommendation

That the Regional Planning Committee receives and notes the "HBRC 2019-20 Annual Plan Approach" staff report.

Authored by:

Karina Campbell
SENIOR PROJECT MANAGER

Approved by:

Jessica Ellerm
GROUP MANAGER CORPORATE SERVICES

James Palmer
CHIEF EXECUTIVE

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 17 April 2019

Item 8

Subject: OVERVIEW OF THE REGIONAL THREE WATERS REVIEW

Regional Planning Committee at its meeting on 20 February 2019 did not consider the item and so it was deferred to the meeting to be held on 17 April 2019 as an item to be 'taken as read'.

Reason for Report

1. This item informs the Regional Planning Committee of the Hawke's Bay Regional Council's work with the region's four territorial authorities to develop a regional business case assessing options to improve the management of drinking water, stormwater and wastewater (Three Waters) service delivery in the region and, in doing so, address Central Government concerns associated with these activities.
2. It should be noted that this review is specifically looking at the service delivery functions of Three Waters and does not seek to review the resource management or regulatory frameworks.

Background Summary

3. The Government is investigating options to improve the management of drinking water, stormwater and wastewater (three waters) to better support New Zealand's prosperity, health, safety and environment. Local Government Minister Nanaia Mahuta has announced a reform programme to transform drinking, storm and wastewater. It is focused on the challenges facing the sector, including funding pressures, rising environmental standards, climate change, seasonal pressure from tourism, and the recommendations of the Havelock North Inquiry. The review is in its second stage.
 - 3.1. **Stage One** – This stage explored the issues and opportunities with three waters services by gathering and analysing information. This was completed at the end of 2017.
 - 3.2. **Stage Two** – This stage commenced in March 2018. It is looking at options for improving the three waters system, including the management, service delivery, funding, and regulatory arrangements.
4. Central government has advised that they will work closely with councils, Iwi and all stakeholders with an interest in three waters services in order to develop options and recommendations.
5. There is an opportunity to provide the Hawke's Bay's perspective into the Central Government review on developing options to address the key concerns on how we can improve the management of drinking water, storm water and wastewater (Three Waters) to better support our community's prosperity, health, safety and environment.
6. The Minister has advised she is supportive of our region's proposal to complete this review and how it may be adopted as part of the wider government review.
7. The purpose of the Hawke's Bay review is to have developed recommendations for regional performance improvements to our Three Waters systems to help guide Central Government's thinking to deliver:
 - 7.1. Safe, NZDWS compliant and reliable drinking water
 - 7.2. Better environmental performance for our water services
 - 7.3. Efficient, sustainable, resilient, and accountable water services
 - 7.4. Achieving these aims in ways that are efficient and effective for our communities.
8. This review will need to address the following challenges for our water systems and communities:

- 8.1. Meeting community expectations for each of the Three Waters across quality, treatment and management
- 8.2. Meeting regulatory requirements for the Three Waters for quality, treatment and management
- 8.3. The ability to replace infrastructure as it ages, and or fund and manage new infrastructure to meet changing customer and regulatory requirements.
- 8.4. Declining rating bases in some areas, high growth in others
- 8.5. High seasonal demand in small tourism centres
- 8.6. Adapting for climate change and adverse natural events.
9. The review will identify and develops options for structure and governance models that:
 - 9.1. Develops and confirms 'Key Principles' of approach that are shared and agreed by the respective council's
 - 9.2. Identifies service and delivery model opportunities through joint provision of all or some elements of the Three Waters services. In identifying a range of models these shall be compared to the status quo including clustering of sub-regional entities. The models must be flexible enough to future proof for the inclusion of private water suppliers.
 - 9.3. Develops strategic capacity and resilience across the water network
 - 9.4. Provides excellence in strategic and management capability to ensure safe, secure efficient drinking water, waste water and storm water service outcomes to our communities.
 - 9.5. Provide economic value and be able to demonstrate how well and why the identified models meet each of the objectives including benefits analysis, cost of service delivery, funding requirements, how fees and charges are levied and where the costs are distributed, and processes.
 - 9.6. Provides capital efficiency current and future Three Waters assets
 - 9.7. Delivers operational and maintenance excellence through the most effective service delivery model
 - 9.8. Improves customer service
 - 9.9. Provides greater environmental, community and cultural focus
 - 9.10. Recommend the next steps to enable the entire objectives to be met including a programme and cost/resource estimates to do this – this should also include transition plans/costs and timetables for such a transition.
10. Hawke's Bay Regional Council's service delivery functions of drainage and flood protection are not in the scope of this review, however, the involvement of HBRC will keep us informed on possible direction of Three Waters delivery in Hawke's Bay. This is important in managing the interface between territorial authority and Regional Council drainage and stormwater schemes. It is also valuable for the Regional Council to be involved given our interests as regulator of Three Waters and the natural resources this infrastructure interacts with.
11. In order to undertake the review it will be necessary to engage the services of an external agency to support its delivery. We will be seeking a fixed cost engagement via our procurement process. It is proposed that costs will be attributed on the following basis:
 - 11.1. NCC 35%
 - 11.2. HDC 35%
 - 11.3. HBRC 15%
 - 11.4. WDC 7.5%
 - 11.5. CHBC 7.5%.

Risk

12. Undertaking the review is considered the lowest strategic risk option. This option would contribute the Hawkes Bay regional perspective into the Central Government review on how we can improve the management of drinking water, stormwater and wastewater (Three Waters).

Approved Option

13. On the 19 December 2018 Council approved Option 1 which is repeated below. Option 2 (do not participate in the project) has been removed from this paper as it was not selected.

Option 1 – Council confirms its support for the project

14. Financial and Resourcing Implications

- 14.1. Additional funding will not be required to complete the review.
- 14.2. The review will be outsourced to an external consultancy to deliver the report, however there will be a moderate resourcing impact on council staff to provide information to complete the analysis and participate in workshops throughout the review process. The successful bid for the project was from Morrison Lowe supported by WSP Opus.

15. Risk Analysis

- 15.1. This option is considered the lowest strategic risk option. This option would contribute the Hawke's Bay regional perspective into the Central Government review on how we can improve the management of drinking water, storm water and wastewater (Three Waters).

16. Promotion or Achievement of Community Outcomes

- 16.1. This review demonstrates our commitment to making sustainable investment in durable infrastructure that promotes smart growth and ensures we are environmentally responsible.

17. Statutory Responsibilities

- 17.1. The review will contribute towards meeting our statutory responsibilities through better territorial authority asset management and performance, and ultimately compliance.

18. Consistency with Policies and Plans

- 18.1. The project is not part of the latest LTP, and the budget available is from the existing budget provision.

19. Community Views and Preferences

- 19.1. This option has been identified as requiring specific engagement Māori. Any significant changes to activity arising from the review will involve future public engagement and consultation.

20. Advantages and Disadvantages

- 20.1. The advantages of this option are:
 - 20.1.1. provision of the Hawke's Bay's regional perspective into the Central Government review to shape their thinking
 - 20.1.2. working together as a region to develop the best regional model to deliver a strategic and sustainable approach to Three Waters.
- 20.2. There are no perceived disadvantages of this option relative to option 2.

Iwi Engagement

21. Māori advisory representatives contributed to the creation of criteria to assess experience in cultural competency as part of the procurement process for the engagement of a consultant to undertake the review.

22. Iwi Engagement will be guided and led by Troy Brockbank of WSP Opus. Troy is currently a tech advisor for Te Rarawa Iwi, deputy chairman of the Water NZ Stormwater committee and member of Ngā Aho, the Māori design panel.
23. Māori Committee Chairs and Council Senior Māori advisors were invited to a workshop of 21 January 2018 to contribute to the Key Objectives and Principles of the study.
24. Further engagement with through a workshop with RPC and Maori Committee is being scheduled for March 7th to identify key objectives principles and values for the review:
 - 24.1. What is important regionally to Iwi & Māori?
 - 24.2. What are the problems or opportunities we are trying to address?
 - 24.3. What are the key issues for Iwi & Māori?
 - 24.4. What benefits are we seeking to gain for the region?
 - 24.5. What are the risks and issues for the region?
 - 24.6. What are the key issues for Iwi & Māori?
 - 24.7. What are the key values/criteria to assess any options against?

Schedule

25. The project will be delivered in a structured series of phases to allow us to deliver our Hawkes Bay regional contribution to the Central Government led review of Three Waters by June 2019.

Phase 1 – Project initiation	December 2018 – January 2019
Phase 2 – Stocktake of current situation	January – February 2019
Phase 3 – High level review of options	January – March 2019
Phase 4 – Analysis of shortlist	March – April 2019
Phase 5 – Challenge workshop	April 2019
Phase 6 – Final report	May 2019

Decision Making Process

26. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

Recommendations

That the Regional Planning Committee receives and notes the “*Overview of the Regional Three Waters Review*” staff report.

Authored & Approved by:

Chris Dolley
GROUP MANAGER ASSET
MANAGEMENT

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 17 April 2019

Item 9

Subject: RESOURCE MANAGEMENT POLICY PROJECTS UPDATE

Regional Planning Committee at its meeting on 20 February 2019 did not consider the item and so it was deferred to the meeting to be held on 17 April 2019 as an item to be 'taken as read'.

Reason for Report

1. This report provides an outline and update of the status of Council's various resource management projects currently underway as of 9 April 2019.

Resource management policy project update

2. The projects covered in this report are those involving reviews and/or changes under the Resource Management Act to one or more of the following planning documents:
 - 2.1. the Hawke's Bay Regional Resource Management Plan (RRMP)
 - 2.2. the Hawke's Bay Regional Policy Statement (RPS) which is incorporated into the RRMP
 - 2.3. the Hawke's Bay Regional Coastal Environment Plan (RCEP).
3. From time to time, separate reports additional to this one may be presented to the Committee for fuller updates on specific plan change projects.
4. Similar periodical reporting is also presented to the Council as part of the quarterly reporting and end of year Annual Plan reporting requirements.

Decision Making Process

5. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

Recommendation

That the Regional Planning Committee receives the ***"Resource Management Policy Projects Update"*** report.

Authored by:

Ceri Edmonds
MANAGER POLICY AND PLANNING

Approved by:

Tom Skerman
GROUP MANAGER
STRATEGIC PLANNING

Attachment/s

[1](#) RMA Projects Update April 2019

Status Report on HBRC Resource Management Plan Change Preparation & Review Projects (as at 9 April 2019)

Project	Narrative update	Next intended reporting to RPC												
<u>'PC5' Integrated land & freshwater management</u>	Publicly notified. Decisions on submissions partly subject to appeal. Part of the last remaining appeal (by Fish and Game) relating to wetlands in the RRMP and Plan Change 5 is almost settled. Environment Court hearing was held 11-12 September 2017. In October 2018, the Court issued an interim decision and directed HBRC to prepare revised maps and re-word provisions for the Court's approval. As at 5 February, Court's approval of submitted documents was still pending. In 2019, it is likely the RPC will be presented with a final version of PC5 to consider recommending to Council to make it 'operative.'	May 2019, otherwise earlier (April?) if Court issues approved documents sooner.												
<u>'PC7' Outstanding waterbodies plan change</u>	Under preparation. Not yet notified. As reported to RPC meeting in December, some of the feedback from targeted stakeholder discussions indicated a likely risk of legal challenge being encountered on the basis of content, methodology and overall process as had been determined by the RPC in 2018. In particular, Forest and Bird's National Office had called into question the robustness of the RPC's agreed approach. In response, the PC7 project team initiated an extra feature to the project, being the formation of a small panel of experts who would convene for two workshops. Panellists were Andrew Curtis, Bernie Kelly, John Cheyne, Morry Black and Tom Winlove. The Panel met in February 2019 to assess 42 candidate water bodies that had been identified by the RPC and stakeholders. The panel are finalising their recommendations to HBRC staff on which water bodies in Hawke's Bay should be classified as 'Outstanding Water Bodies', together with their reasoning. Hui-a-iwi have been and are due to be held with iwi authorities across the region. Confirmed details so far are: <table border="1"> <tr> <td>Napier</td><td>4 March</td><td>Pukemokimoki Marae</td></tr> <tr> <td>Maungaharuru-Tangitu Trust</td><td>18 March</td><td>HBRC office</td></tr> <tr> <td>Wairoa</td><td>18 March</td><td>Wairoa War Memorial Hall</td></tr> <tr> <td>Te Taiwhenua o Tamatea</td><td>13 May</td><td>Taiwhenua o Tamatea</td></tr> </table> Further update reporting on feedback from the expert panel and any further targeted consultation with groups is intended to be presented to the RPC's meeting on 15 May.	Napier	4 March	Pukemokimoki Marae	Maungaharuru-Tangitu Trust	18 March	HBRC office	Wairoa	18 March	Wairoa War Memorial Hall	Te Taiwhenua o Tamatea	13 May	Taiwhenua o Tamatea	May 2019
Napier	4 March	Pukemokimoki Marae												
Maungaharuru-Tangitu Trust	18 March	HBRC office												
Wairoa	18 March	Wairoa War Memorial Hall												
Te Taiwhenua o Tamatea	13 May	Taiwhenua o Tamatea												
<u>'PC8' Mohaka Catchment plan change</u>	Under preparation. Not yet notified. Preliminary project re-design is underway with Ngati Pāhauwera, iwi and Māori Trusts. Initial engagement has indicated that there is support for the development of a Mana Enhancing Agreement between Council and iwi. This is currently being prepared. Contact with the Taharua catchment landowners is also being re-established. The intention is to re-engage the wider community and progress this plan change from later this year, following notification of the OWB and TANK plan changes.	July 2019												

Item 9

Attachment 1

Project	Narrative update	Next intended reporting to RPC
'PC9' Greater Heretaunga/ Ahuriri catchment area plan change (a.k.a. TANK project)	<p>Under preparation. Not yet notified.</p> <p>At meeting on 12 December 2018, the RPC agreed that Draft PC9 version 8 be adopted as a draft for targeted consultation with relevant iwi authorities, territorial local authorities and relevant Ministers of the Crown. The RPC also agreed that this pre-notification consultation phase would commence in early 2019 and run for a period of six weeks.</p> <p>Draft PC9 version 8 is available for public viewing on HBRC's website. Work is underway to contact parties for the targeted consultation phase which will involve project staff meeting with various targeted groups through February and early March.</p> <p>RPC agreed (meeting 20 February) to an extension of time to allow for the pre-notification parties to respond to the draft Plan to the 29 March 2019.</p> <p>To date feedback has been received from:</p> <ul style="list-style-type: none"> • NKII • Mana Ahuriri • Maungaharuru Tangitu Trust • Napier City Council • Hastings District Council, and • HortNZ 	May 2019
Timing of minimum flows in Tukituki River catchment	<p>As directed by the RPC at its meeting on 12 December 2018, policy planning staff have been scoping out the merits of a preliminary plan change process to defer dates for some minimum flows in the Tukituki River catchment. This follows the RPC having received and noted a letter from the Tukituki Water Taskforce which was tabled at the RPC's meeting on 12 December.</p> <p>A paper was presented to the RPC in February with recommendations. A decision was unable to be reached due to lack of quorum. This item is being represented to the RPC meeting on the 17 April.</p>	April 2019
Ngaruroro and Clive Rivers Water Conservation Order	<p>Stage 2 of the hearing commenced on 26 February 2019. 8 March 2019 was the final sitting day of the hearing although the hearing will remain adjourned to allow for comprehensive closing submissions from the Applicant. The full written <u>closing submissions</u> and <u>Version 5 of the draft Order</u> were provided to the Environmental Protection Agency on 29 March 2019.</p>	May 2019

Project	Narrative update	Next intended reporting to RPC
Responsiveness to 'National Direction' (i.e. legislation incl NPSs, national Regulations, national standards, etc).	<p>RMA Amendments – Minister has announced an intention to amend the RMA in two phases. The first phase will focus on rolling-back some of the amendments passed in 2017. A Bill is being drafted, but yet to be referred to a Select Committee and opened for public submissions. The second phase is not so well developed, but it will address some broader issues about the overall resource management system. Details and scope of the Phase 2 reforms are not yet available.</p> <p>NPSFM Amendments – Minister has announced a package of proposals ('branded as Essential Freshwater') to make further amendments to the NPSFM, although details or specifics are not yet clear. More on this will be revealed in 2019.</p> <p>Review of NES on Air Quality – New Environment Minister is determining next steps. Likely a proposal for a revised NESAQ will be released for public feedback ~April/May 2019.</p> <p>Review of NES for Human Drinking Water Sources – New Environment Minister is determining next steps, partly informed by 'Three-waters' review workstream. More on this will be revealed in 2019.</p> <p>Preparation of RMA National Planning Standards – Officials at MFE are refining proposals for national planning standards that will prescribe the form, function and style of RPSs, regional plans and district plans. The first set of National Planning Standards are due to come into effect in May 2019. Details from the Government on the revised Planning Standards will emerge in April 2019. The Standards will mean the RRMP (RPS) and RCEP will need to be amended to 'fit' the new template style prescribed by the National Planning Standards.</p> <p>NES for Plantation Forestry – NES has been finalised and came into effect from 1 May 2018. 'Plan alignment' amendments to RRMP and RCEP are being drafted now that capacity of planning team members can accommodate this. Likely that plan alignment amendments will be re-published in early 2019 and revised RRMP and RCEP will be uploaded on HBRC's website.</p> <p>NPS on Urban Development Capacity – in effect Dec 2016. This influences HBRC's role in ongoing implementation of the Heretaunga Plains Urban Development Strategy ('HPUDS') and also the RPS. NPSUDC has implications for all TLAs, irrespective of projected rates of residential and business land growth demands.</p> <p>Staff in the HBRC policy & Planning team continue to maintain active exchanges with officials within the various relevant government ministries who are leading the above workstreams and a variety of related workstreams not featured above.</p>	4 April 2019, or earlier if specific national direction proposals emerge that warrant RPC input and/or briefing.
<u>Statutory Acknowledgements of Treaty settlements</u>	<p>No further Treaty settlement legislation relating to parts of the Hawke's Bay region has been passed into law since the previous update (21 September 2018).</p> <p><i>Refer to Pātaka online mapping tool for further information [website link] about current Statutory Acknowledgements in Hawke's Bay region that have been passed in various Treaty settlement statutes.</i></p>	4 April 2018

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 17 April 2019

SUBJECT: STATUTORY ADVOCACY UPDATE

Regional Planning Committee at its meeting on 20 February 2019 did not consider the item and so it was deferred to the meeting to be held on 17 April 2019 as an item to be 'taken as read'.

Reason for Report

1. To report on proposals forwarded to the Regional Council and assessed by staff acting under delegated authority as part of the Council's Statutory Advocacy project since the last update in December 2018, and up to 9 April 2019.
2. The Statutory Advocacy project (Project 196) centres on resource management-related proposals upon which the Regional Council has an opportunity to make comments or to lodge a submission. These include, but are not limited to:
 - 2.1. resource consent applications publicly notified by a territorial authority,
 - 2.2. district plan reviews or district plan changes released by a territorial authority,
 - 2.3. private plan change requests publicly notified by a territorial authority,
 - 2.4. notices of requirements for designations in district plans,
 - 2.5. non-statutory strategies, structure plans, registrations, etc prepared by territorial authorities, government ministries or other agencies involved in resource management.
3. In all cases, the Regional Council is **not** the decision-maker, applicant nor proponent. In the Statutory Advocacy project, the Regional Council is purely an agency with an opportunity to make comments or lodge submissions on others' proposals. The Council's position in relation to such proposals is informed by the Council's own Plans, Policies and Strategies, plus its land ownership or asset management interests.
4. The summary outlines those proposals that the Council's Statutory Advocacy project is currently actively engaged in. This period's update report excludes the numerous Marine and Coastal Area Act proceedings little has changed since the previous update.

Decision Making Process

5. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

Recommendation

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

Authored by:

Ceri Edmonds
MANAGER POLICY AND PLANNING

Approved by:

Tom Skerman
GROUP MANAGER
STRATEGIC PLANNING

Attachment/s

[!\[\]\(235bfe13ebf007ce2eea9e689707fac7_img.jpg\) 1](#) Statutory Advocacy April 2019 Update

Statutory Advocacy Update (as at 9 April 2019)

Received	TLA	Activity	Applicant/ Agency	Status	Current Situation
22 November 2018	HDC	Variation 5 to amend proposed Hastings District Plan ('Inner City Living') Variation 5 introduces changes to several sections of the proposed Hastings District Plan to encourage above-ground level inner city living in Hastings CBD.	Hastings District Council	Publicly notified. Submissions closed 19 Dec 2018	On 22 November 2018, HDC publicly notified Variation 5. Staff reviewed Variation 5 for any implications it may have for HBRC's roles and interests. Staff concluded that a submission on Variation 5 was not warranted on this occasion. Submissions closed on 19 December 2018.
22 November 2018	HDC	Variation 6 to amend proposed Hastings District Plan ('Amendments to Heritage provisions') Variation 6 proposed to add Vidal House as a heritage building listed in the district plan's Te Mata Special Character Zone. Variation 6 also proposes clarifying the permitted activity status of internal alterations to heritage buildings in the Te Mata Special Character Zone.	Hastings District Council	Publicly notified. Submissions closed 19 Dec 2018	On 22 November 2018, HDC publicly notified Variation 6. Staff reviewed Variation 6 for any implications it may have for HBRC's roles and interests. Staff concluded that a submission on Variation 6 was not warranted on this occasion. Submissions closed on 19 December 2018.
November 2018	NCC	Napier City District Plan Review Review of District Plan has been initiated. Preliminary phase of review underway with notification of proposed reviewed plan in 2020/21.	Napier City Council	Draft review discussion document released	Napier City Council have publicly launched a review of their district plan. Public feedback is invited on the key themes about future planning needs and opportunities for Napier City. Public feedback on district plan review discussion document was due by 1 February 2019. HBRC's roles and activities will have interests in at least the following matters of the district plan review process: transport, natural hazards, water quantity, water quality, coastal environment, urban growth management, infrastructure planning, stormwater and wastewater management, biodiversity and open spaces. There will be further opportunities during NCC's District Plan Review process for HBRC to provide feedback and influence content.

Received	TLA	Activity	Applicant/ Agency	Status	Current Situation
9 December 2017	n/a	HB Fish and Game Council's Draft Sports Fish and Game Management Plan A draft management plan under the Conservation Act to eventually replace the current 2005 Sports Fish and Game Management Plan for the HBFG region.	HB Fish and Game Council	Notified, Submissions closed. Hearing pending	Previously... Submission lodged. A copy of HBRC's submission can be found at HBRC Submissions .
13 July 2016	HDC	Howard Street Rezoning Variation 3 Variation to rezone 21.2 hectares of land from its current Plains zone to General Residential zone in between Howard Street and Havelock Road.	Hastings District Council	HDC Decisions issued Subject to appeal, mediation ongoing	Previously... <ul style="list-style-type: none"> Following Environment Court-assisted mediation and discussions between engineering experts, parties have indicated resolution is achievable regarding land for stormwater management. Final documentation is being drafted by HDC for Court's approval. Parties to the appeal have been discussing recently completed stormwater engineering investigations and geotechnical assessments and how the District Plan rezoning appeal might now be resolved. HDC issued its decisions on 25th March.
24 July 2017	n/a	Application for Water Conservation Order (WCO) Application for a WCO for the Ngaruroro River & Clive River	Applicants NZ Fish & Game Council, HB Fish & Game Council; Whitewater NZ; Jet Boating NZ; Operation Patiki Ngāti Hori ki Kohupatiki Marae; Royal Forest & Bird Protection Society	Notified, Submission period closed. Special Tribunal completed Stage 2 (of 2) hearing	<ul style="list-style-type: none"> Stage 2 of the hearing, which focussed on the lower Ngaruroro River and the Clive River, commenced on 26 February 2019 and the last sitting day was 8 March 2019. The Applicants and various submitters provided expert evidence at the hearing. HBRC's expert evidence covered avifauna (birds), hydrology, water quality, fish habitat and planning evidence. The Applicant provided full written closing submissions and Version 5 of the draft Order to the Environmental Protection Agency on 29 March 2019.
18 January 2016	WDC	Resource Consent Application Consent is sought to clear 248 hectares of Manuka and Kanuka on Part Umumanfo 2 Block on Kopuawhara Road, Mahia.	Applicant R & L Thompson Agent Insight Gisborne Ltd	Limited Notified WDC hearing pending	Previously... <ul style="list-style-type: none"> HBRC has opposed the application based on concerns relating to the loss and degradation of soil (erosion) and water quality. A copy of the submission can be found at HBRC Submissions. HBRC staff and applicants have held discussions about potential alternative clearance proposals.

Received	TLA	Activity	Applicant/ Agency	Status	Current Situation
8 November 2013	HDC	Proposed Hastings District Plan Review of the Hastings District Plan in its entirety. Includes the harmonisation of district wide provisions between the Napier District Plan with the Hastings District Plan where relevant.	Hastings District Council	Notified HDC decisions issued, subject to appeals	Previously... <ul style="list-style-type: none"> Over 40 separate appeals were lodged against HDC's decisions by other groups and individuals. HBRC joined as a section 274 interested party to proceedings on eleven (11) of those appeals. All but one of those appeals has been resolved. That last one will be awaiting the appellant to prepare a draft 'structure plan' for their development area in Havelock North. HDC issued its decisions on 12 September 2015. Council staff reviewed the decisions and were satisfied that HBRC's submission has been appropriately reflected so did not need to lodge an appeal itself.

NOTE: The following matters appearing on previous Statutory Advocacy activity updates have been removed from this edition. The following matters have reached a conclusion and there is no further 'statutory advocacy' role for HB Regional Council.

- a) Napier City Council's Mission Heights district plan rezoning.