

**IN THE MATTER**

of the Resource Management Act 1991

**AND**

a submission by the Hawke's Bay  
Regional Council ('**Regional Council**')

**AND**

Central Hawke's Bay District Council's  
proposed District Plan.

**SUPPLEMENTARY INFORMATION TO PANEL FOR HEARING STREAM #1**

**1 Introduction**

- 1.1 I appeared before the Hearings Panel on Tuesday 15<sup>th</sup> March 2022 to present a statement on behalf of the Hawke's Bay Regional Council.
- 1.2 Commissioners will recall that during my brief presentation, I took opportunity to briefly clarify a couple of things that other submitters' had mentioned earlier that morning. I picked up on those few points for purposes of assisting the Panel as those matters related to provisions in regional planning documents which the Regional Council has responsibility for.
- 1.3 For your ease of reference, I document those comments in this supplementary statement in relation to:
  - 1.3.1 references to the Makaroro River in the Regional Policy Statement and regional plan and
  - 1.3.2 the Regional Council's decisions on submissions relating to proposed Plan Change 7 for outstanding water bodies in Hawke's Bay and how that intersects with waterbodies identified in the proposed district plan.

## 2 References to “Makaroro River” in the Hawke’s Bay Regional Resource Management Plan

- 2.1 The Hawke’s Bay Regional Resource Management Plan (RRMP) incorporates the regional policy statement (RPS) alongside regional plan provisions.
- 2.2 Table 1 presents a summary of the location and context of references to the “Makaroro River” within the RRMP. This is provided to assist the Panel, notwithstanding that the Regional Council’s original submission didn’t make any specific reference to the Makaroro River.

**Table 1**

RRMP reference	section	Weblink & PDF page #	Additional notes
Policy LW2, Table 1 (RPS)		<a href="#">RRMP Ch3</a> , page 11 of 76	References high natural character values of the Waipawa River above confluence of the Makaroro River, including the Makaroro River.
Policy LW2, Table 1 (RPS)		<a href="#">RRMP Ch 3</a> , page 11 of 76	References water use for renewable electricity generation in the Tukituki (mainstem) and the Waipawa River above SH50 including the Makaroro River.
Table 5.9.1C – Surface water quality deposited sediment indicators for the Tukituki River Catchment – Zone Specific (RPS)		<a href="#">RRMP Ch 5.9</a> , page 37 of 48	
Glossary – ‘Tukituki Catchment Area’		<a href="#">RRMP Ch 9</a> , page 27 of 30	Tukituki Catchment Area means a catchment area including the Waipawa River, Tukituki River, Makaretu River, Makaroro River, Makara Stream, Omakere Stream, their tributaries, plus associated groundwater catchments. Indicative location of the Tukituki Catchment Area is set out in Appendix A of [RRMP] Chapter 3.1A.

### 3 Outstanding water bodies located within Central Hawke's Bay District

3.1 When presenting for the Royal Forest and Bird Protection Society Incorporated, Mr Tom Kay made a passing reference to the outstanding water bodies work, but he did not elaborate further on what that work was nor who was leading it.

3.2 For clarification, the Regional Council has prepared proposed Plan Change 7 (PPC7) to the RRMP.<sup>1</sup> The Regional Council's webpage briefly summarises proposed PPC7 as:

*"[proposing] to change the Regional Resource Management Plan (RRMP) to include a list of the region's outstanding water bodies, together with a framework which prescribes a high level of protection for these water bodies in future plan making.*

*The water bodies identified in the Proposed Plan Change 7 are the 'best of the best' within the region, featuring an exceptional cultural, spiritual, recreation, natural character, landscape, geology, or ecology value which is remarkable in Hawke's Bay.*

*The Proposed Plan Change aims to protect these outstanding features, in their current state, now and for future generations."*

3.3 PPC7 was publicly notified in August 2019 and a three-person Panel of commissioners heard submissions in late 2020. On 26 June 2021, the Panel's decisions were issued on behalf of the Regional Council. Subsequently, three appeals were lodged with the Environment Court against a number of the Panel's decisions. Those appeals remain the subject of ongoing mediation proceedings amongst the parties.

3.4 Mr Kay's passing remark on PPC7 was in the context of commenting about values of the Makaroro River. Again, for the Panel's assistance and clarification, the Makaroro River:

3.4.1 was not identified as an outstanding water body in the notified version of PPC7

3.4.2 was requested by four submitters to be added to the list of outstanding water bodies in the Hawke's Bay region

3.4.3 was considered by the PPC7 Panel<sup>2</sup> but ultimately the Panel decided not to add the Makaroro River to PPC7's list of outstanding water bodies in the Hawke's Bay region and

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<sup>1</sup> More information about the outstanding water bodies plan change (PC7) at [www.hbrc.govt.nz](http://www.hbrc.govt.nz) (keyword #owb).

<sup>2</sup> Refer paragraphs 4.7-4.16 in particular of the Panel's Decision report at: <https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/Decision-of-the-Independent-Hearing-Panel-PC7.pdf>

3.4.4 was named in one of the appeals<sup>3</sup> as a water body to be added into PPC7, and several s274A parties to that appeal oppose that relief, amongst other points.

3.5 At the hearing, Commissioner Burne asked me about water bodies identified in the decisions version of PPC7 within Central Hawke’s Bay District. Table 2 sets out that list alongside (where applicable) references used in the proposed District Plan of same/similarly named water bodies.

**Table 2**

<b>Outstanding water body name and location descriptor in decisions version of PPC7</b>	<b>Outstanding characteristics or values in PPC7</b>	<b>Proposed District Plan reference</b>
<p><b>Lake Whatumā</b> Lake Whatumā is located south west of Waipukurau. It covers about 160ha, with an adjacent wetland margin of around 75ha. It is a taonga to hapu of Heretaunga Tamatea, providing a major source of kai for those who resided nearby. The lake supports a number o threatened birds, including the greatest numbers of Australasian Bittern in the region.</p>	<p>Cultural and spiritual values  Ecology (habitat for aquatic native birds, particularly Australasian Bittern)</p>	<p>Lake Whatuma [SAF 10]</p>
<p><b>Pōrangahau River and Estuary downstream of the Beach Road Bridge</b> The Pōrangahau River runs 35km through southern Hawke’s Bay. The river winds through rugged hill country reaching the sea close to the township of Pōrangahau. The Pōrangahau Estuary covers about 750ha and is one of the few large estuaries in Hawke’s Bay. It is a long, narrow estuary formed behind a low, sandy, longshore bar which runs for around 14 km. It is the largest and least modified estuary in Hawke’s Bay and is listed as a Significant Conservation</p>	<p>Cultural and spiritual values  Ecology (habitat for native aquatic birds)</p>	<p>Porangahau Foredune and Estuary [ONF10]</p>

<sup>3</sup> Notice of appeal by Te Taiwhenua o Heretaunga, Te Runanganui o Heretaunga, Te Manaaki Taiao o Heretaunga and Ngati Kahungunu Iwi Incorporated at <https://www.hbrc.govt.nz/assets/Uploads/PPC7-Notice-of-appeal-by-Te-Taiwhenua-o-Heretaunga-and-Ngati-Kahungunu-Iwi-Incorporated.pdf>

<p>Area in the [Regional Coastal Environment Plan] for its nationally significant wildlife habitat, and supports six threatened species. There is extensive evidence of early habitation of the estuary by tāngata whenua, and it would have been a major source of kai.</p>		
<p><b>Tukituki River downstream of SH50 bridge to the sea, including the estuary</b></p> <p>The Tukituki River is 145km long, rising in the Ruahine Ranges and entering the sea at Haumoana. It is a tipuna awa, and there is evidence of 7-8 centuries of occupation by Māori. The lower river and estuary support the largest population of wading birds in the region.</p>	<p>Cultural and spiritual values</p> <p>Ecology (habitat for native aquatic birds, particularly in the lower river)</p>	<p>Tukituki River - Upper [SAF 4]</p>

- 4.0 Lastly, I reiterate my willingness to liaise with the Reporting Officer (Stella Morgan) and other relevant planners/parties in relation to further re-drafting of ECO rules, particularly Rule ECO R3.
- 5.0 Thank you for the opportunity to present this supplementary information to assist the Panel with its deliberations on matters covered in Hearing Stream #1.

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**Principal Advisor Strategic Planning**

**Hawke's Bay Regional Council**

**Dated 21<sup>st</sup> March 2022**