

**HAWKE'S BAY REGIONAL COUNCIL**  
**PROPOSED PLAN CHANGE 9 (PPC9) – TŪTAEKURĪ, AHURIRI, NGARURORO AND**  
**KARAMŪ CATCHMENTS (TANK)**

**MINUTE 10 OF THE INDEPENDENT HEARING PANEL**

**INTRODUCTION**

1. This is the tenth minute of the independent hearing panel for Proposed Plan Change 9. It concerns the upcoming hearing on Monday 27 September 2021.
2. The current alert levels in response to Covid19 in the community have required some contingency for conducting the hearing to ensure the safety and health of parties and adhering to alert level restrictions. We provide further information below.
3. The evidence of Ngāti Kahungunu Iwi Incorporated and further submissions from Te Taiwhenua o Heretaunga have been with parties for some time. We are requesting a response to these submissions before our hearing resumes.
4. We are also cognisant that this may be one of our last opportunities to seek clarification from the Hawkes Bay Regional Council on several matters relating to the Plan Change hearing to date. In this regard we have listed a number of questions in this minute and the attached memo regarding groundwater allocations.

**HEARING LOGISTICS**

5. The hearing will be held at the Hawkes Bay Regional Council Chambers, Monday 27<sup>th</sup> September 2021, 10am. We expect the hearing to be completed by the early afternoon.
6. The hearing will not be open to the public at level 2. Under level 2 restrictions the Chambers can accommodate a maximum of 32 people including the hearing panel, Council staff and submitters. We ask that only submitters who will be speaking or providing direct support attend the hearing in person, and that all others attend virtually. There will be contact tracing and registration facilities and a requirement to wear face masks at all times unless everyone in the room agrees that face masks may be removed while speaking.
7. We are providing live online streaming of the hearing and encourage those who do not have to be in the hearing in person to use this facility. The hearing will also be recorded, and this will be accessible through the website shortly following the hearing.

8. If Hawkes Bay is at level 3 or 4 alert level, we will conduct the hearing on Zoom.

## **RESPONSE TO APPENDIX 11 FURTHER SUBMISSIONS AND EVIDENCE**

9. The hearing on the 27th September has been scheduled to address the deletions or amendments made to appendix 11 of the section 42A Report during the plan change hearings. We have previously set out our responses to these matters in minutes #6 and #9.
10. We have received two briefs of evidence from Ngāti Kahungunu Iwi Incorporated and a further submission from Maurice Black on behalf of Te Taiwhenua o Heretaunga. A schedule for hearing these parties has been scheduled for the morning of the hearing followed by responses from the Hawkes Bay Regional Council.
11. Where the two submitters and/or their legal representative can't or don't want to attend the hearing personally, we can arrange to hear them on Zoom.
12. To assist us with our preparation for the hearing and recognising it has been some time since the evidence and further submission were circulated, we are requesting responses in writing to these documents from the Hawkes Bay Regional Council by 1pm Friday 25 September. The responses need only address whether the Council agrees, disagrees or is neutral with regard to the content of the evidence/further submission and whether the Council recommends any changes to the plan change as a result of these.

## **OTHER MATTERS**

13. We have read the memorandum prepared by Ellen Robotham and Jeff Smith in response to our indication that we were considering making further takes of groundwater from the Heretaunga Plains aquifer a non-complying activity. This has led us to read Appendix 11 again, and after doing so we have a number of questions of Council staff on the science and other information that informs future management of the groundwater resource.
14. We have prepared a memorandum that outlines these questions and details the background to them. The questions are:
  - a. How much water is currently allocated from Heretaunga Plains groundwater to each of:
    - i. Public water supplies
    - ii. Industrial users
    - iii. Irrigators?

- b. In round terms, how much water is proposed to be allocated to each of these three groups of users for the upcoming 10-year period during the consent reviews anticipated by PPC9?
- c. Can the Council provide an estimate of the volume of water that is taken from the aquifer in each water year by permitted activities (such as domestic water supplies)?
- d. Is it correct that the proposed 90M m<sup>3</sup>/y interim allocation limit is based primarily on the estimated water use during the 2012/2013 water year? If so, what are the 80<sup>th</sup> and 90<sup>th</sup> percentile confidence limits of this estimate?
- e. The proposed new definition of “actual and reasonable use” includes almost all of the 2020/21 water year, which we understand to be the driest in the recent record. Can an estimate be provided of total water use from the aquifer in this water year, and if so, what are the 80<sup>th</sup> and 90<sup>th</sup> percentile confidence limits of this estimate?
- f. How is the proposed 90M m<sup>3</sup>/y interim allocation limit justified by the current scientific knowledge of the Heretaunga Plains groundwater system?

15. We have attached a memo that sets out the questions in full and provides some context. We would appreciate a written response to these by 5pm Friday 24<sup>th</sup> September.

## **CONTACT**

16. The administrative contact for the plan change is Maggie Brown at Hawke’s Bay Regional Council. All hearing and administrative matters should be directed to Maggie at [etank@hbrc.govt.nz](mailto:etank@hbrc.govt.nz) or on 027 214 9871. She will confer with the Commissioners as necessary.

Thank you, ngā mihi.



Antoine Coffin

Chair of Plan Change 9 Hearings Panel

Date: 20 September 2021