



Meeting of the Hawke's Bay Regional Council Maori Committee

Date: Tuesday 26 April 2011
Time: 10.15am
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Agenda

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2.	Conflict of Interest Declarations	
3.	Confirmation of Minutes of the Maori Committee held on 22 February 2011	
4.	Matters Arising from Minutes of the Maori Committee held on 22 February 2011	
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HAWKE'S BAY REGIONAL COUNCIL

MAORI COMMITTEE

Tuesday 26 April 2011

Item 6

SUBJECT: SHORT TERM REPLACEMENTS

REASON FOR REPORT:

1. Council has made allowance in the terms of reference of the Committee for short term replacements to be appointed to the Committee where the usual member/s cannot stand.

RECOMMENDATION:

That _____ be appointed as member/s of the Maori Committee of the Hawke's Bay Regional Council for the meeting of Tuesday, 26 April 2011 as short term replacements(s) on the Committee for _____



Viv Moule
HUMAN RESOURCES MANAGER



Andrew Newman
CHIEF EXECUTIVE

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

MAORI COMMITTEE

Tuesday 26 April 2011

Item 7

SUBJECT: NAMING OF COUNCIL'S FORESTRY INVESTMENT PROPERTY AT TUTIRA

REASON FOR REPORT

1. Council have been seeking a name for the property it purchased at Tutira.
2. Maungaharuru Tangitu Incorporated have suggested Waihapua Forest Park as a name for the Investment Property.
3. This paper seeks Maori Committee comment on the name for this property prior to it finally endorsing the proposed name at its meeting on 27 April 2011.

Background

4. Bevan Taylor and Tania Hopmans, Chairman and Deputy Chair of Maungaharuru Tangitu Incorporated respectively, have suggested Waihapua Forest Park as a name for the Investment Property.
5. The suggestion was made to the Tutira Visionary Group (including representatives from DoC, the Tutira community, Fish and Game, Guthrie Smith Trust) in December 2010, and the Group has agreed to this proposal.
 - 5.1. Waihapua is the name of a spring as noted on the attached map (Unfortunately the quality of this map is poor) sourced from Guthrie Smith's writings on Tutira – Trails from the coast to Tutira.
 - 5.2. Bevan Taylor advises that Waihapua" is not an ordinary spring, it is a deep water spring with special qualities. He advises that it is a spring that provides nourishment or sustenance to the surrounding environment, its qualities are not just physical, but also spiritual.
6. Staff have proposed to Council that:
 - 6.1. Council, with immediate effect, uses the name Waihapua for the property in all communication.
 - 6.2. Small signage be fixed to the property entrance gate identifying the property by the name of Waihapua, until recreational activities have been established on the property, at which time Council's standard signage for its areas promoting recreational opportunities within Waihapua Forest Park will be erected.

RECOMMENDATION

That the Maori Committee:

1. Provides comment to Council on the proposed name of Waihapua Forest Park for its Tutira investment property.



Mike Adye
GROUP MANAGER
ASSET MANAGEMENT

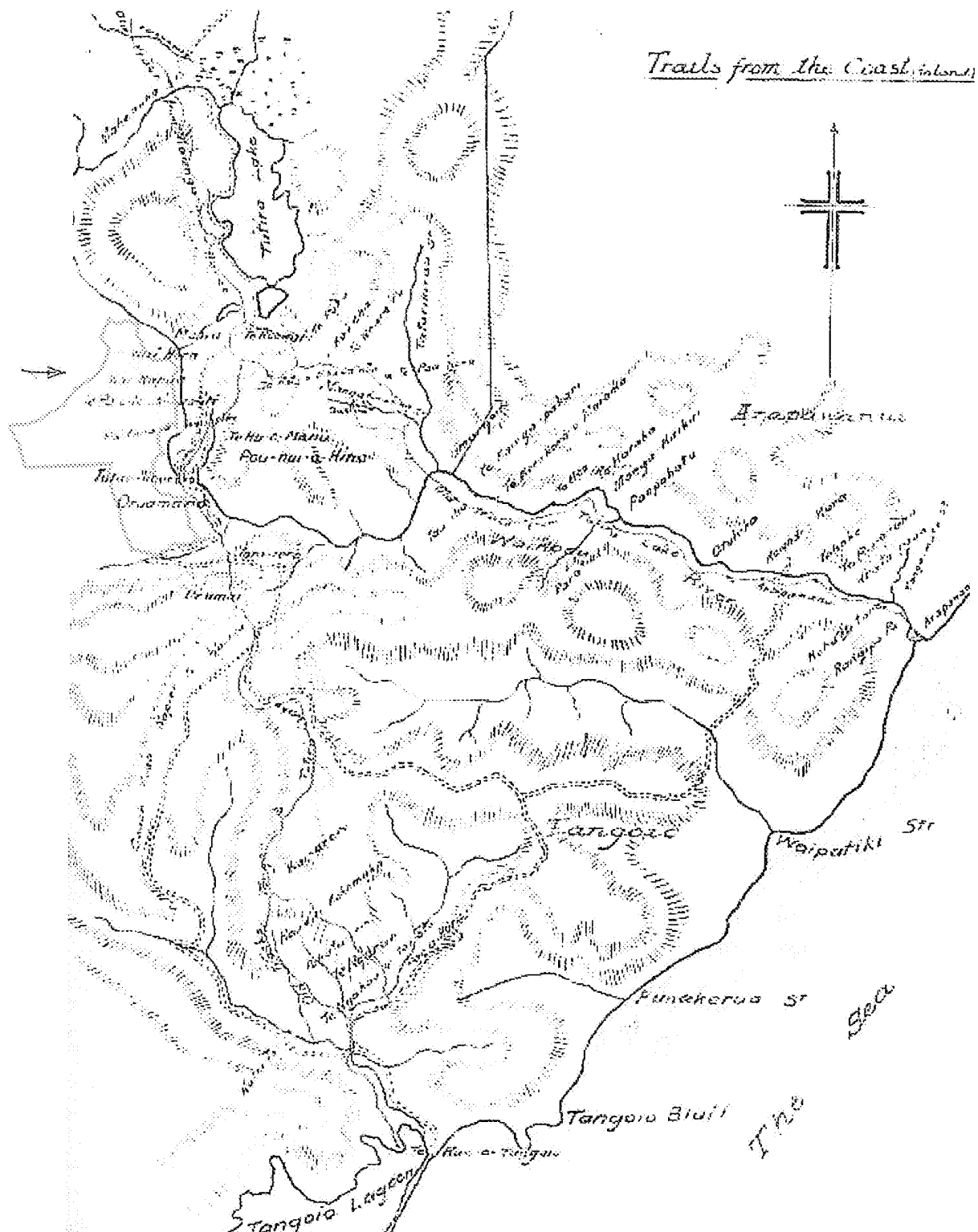


Liz Lambert
GROUP MANAGER
EXTERNAL RELATIONS

Item 7

Attachment/s

- 1 Tutira Region Map



SUBJECT: CHARTER CHANGES

REASON FOR REPORT:

1. It has been some time since the Charter between the Maori Committee and Council has been reviewed.
2. To clarify the role and process undertaken by Maori committee members in relation to the resource consent process, some changes to the Charter have been recommended.
3. While making these changes the opportunity has been taken to review the whole document and make some other recommendations for change

Background

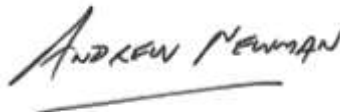
4. The Charter has been a 'founding document' for the Council and Maori Committee and was first developed in May 1994.
5. There was a major review in 2002.
6. In the main it is considered that the overall content of the Charter is still relevant and there is no need for major changes or additions.
7. There are three main recommendations for changes in the document and a couple of minor changes. Those changes highlighted in yellow are proposed *additions* those highlighted in red are proposed *deletions*.
8. In relation to the resource consent process, the changes relate to the Council's process when trying to identify the appropriate tangata whenua to contact in relation to consent issues. The changes clarify that the Council will approach the appropriate Maori Committee member to assist them to identify the appropriate tangata whenua to consult with on the specific consent. This is particularly important for notified consents.
9. It has been the practice to prepare a three year plan for the Maori Committee soon after it has commenced its three year tenure. It is proposed to discontinue this practice. The reason for this is that the content of the Plan has generally been very non specific and the Charter itself has provided a better indication of the work interactions that will occur over the tenure of the Committee.
10. The revised Charter will now reflect the further involvement of Maori Committee members on the Strategic Planning and Finance Committee. This committee was not in place the last time the Charter was revised.
11. There is quite a complex method of evaluation of the Maori Committee in the present Charter. It is considered that this has been difficult to implement and provided little value in terms of an evaluation of the Committee. In practice it has not been done for a few years. The proposal is that if the Council or Maori Committee wish to evaluate the effectiveness of the Committee on a formal basis, either may request it to happen.
12. One change that was made to the Charter in 2005 was to rescind the statement that two meetings of the Committee would be held on Marae each year. This was because it was found that there was not a good understanding of why the Committee was doing this by relevant Marae and attendance was generally poor. It is proposed this now be removed from the Charter.

RECOMMENDATION:

1. That the Maori Committee receives the report and adopts the proposed changes to the Charter which are agreed to at the meeting.



Viv Moule
HUMAN RESOURCES MANAGER



Andrew Newman
CHIEF EXECUTIVE

Attachment/s

- 1 Charter with Proposed Amendments



A CHARTER

between the

HAWKE'S BAY REGIONAL COUNCIL

and the

MAORI COMMITTEE OF COUNCIL

Adopted December 2002

Reviewed April 2011

1. Background

The initial groundwork for the establishment of tangata whenua direct input into Regional Council began before the 1989 reorganisation of local government and before the requirements of the Resource Management Act 1991.

The then Hawke's Bay United Council recognised the need for special input into decision making by Maori, and established a consultative committee of tangata whenua to provide input into a variety of issues.

Special mention should be made of the work of the late Ngarangimataeo Eru Smith and the Chairman of the Council at that time, Harry Romanes, for the vision and energy provided to achieve this process.

In terms of the new Regional Council, a Maori consultative committee was not formalised until requested by tangata whenua following a hui at Kohupatiki Marae in June 1990. The iwi at this hui requested that:

"Hawke's Bay Regional Council amend their structure to include a 'Maori Standing Committee'".

This request was duly considered by Council and adopted in July 1990.

The Maori Committee consisted of twelve Maori members and three Council representatives. There were three Maori members elected by the iwi in their respective districts representing Wairoa, Napier (Ahuriri), Hastings (Heretaunga) and Central Hawke's Bay (Tamatea). These three members represented the Maori Executive, the Taiwhenua and a kaumatua, from each district.

The relative roles are:

- a) The Maori Executive is representative of Maori and hapu, and most marae in the rohe (area).
- b) Taiwhenua represents Maori in the rohe (area) including taura here (those without a 'connection' or 'whakapapa link' to Hawke's Bay).
- c) An appropriate kaumatua is nominated to represent kaumatua from that rohe (area).

The committee commenced meetings in September 1990 under the Chairmanship of Bill Bennett.

The first stated purpose of the Committee was to *"make recommendations to the Council on matters of general concern, which affect Maori people of the Region, and fulfil the Maori consultative undertakings of the Council's Annual Plan"*.

It must be stated that generally the feeling amongst those Maori involved in this process was that this was a compromise solution, that while not acknowledging the full spirit of the Treaty of Waitangi, it did provide, for the first time, an input directly into local government.

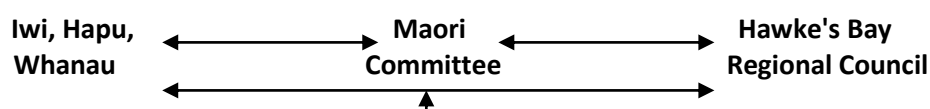
It is against this background that the present Committee has forged a strong commitment to achieving Maori input into decisions made by the Regional Council.

2. Introduction

It is important to establish the place of the Regional Council and its relationship with the iwi and the Crown.

- 2.1 The Treaty of Waitangi is between the Crown, iwi, hapu and whanau.
- 2.2 The Hawke's Bay Regional Council is a statutory body with powers and responsibilities delegated to it by the Crown.
- 2.3 Councillors of the Hawke's Bay Regional Council are elected by the regional community and are accountable to that whole community, with the primary focus of the Council being environmental stewardship.
- 2.4 Hapu have mana whenua and mana moana (tino rangatiratanga – self-determination, control over their own affairs) relating to the land or sea, as established in the Treaty, and the Council exercises its functions as established by legislation.
- 2.5 It is established that in most given situations the Council will communicate to and consult with hapu/marae/tangata whenua via the contact(s) established by the Maori Committee. It is vital where contact is made, or is on-going between the Council and hapu/marae/tangata whenua, that the relevant members of the Maori Committee are kept informed of developments.
- 2.6

Model of Communication



3. Vision

He Toa Takitini – “Strength in Unity”

4. Purpose of the Charter

The purpose of the Charter is to outline the relationship between the Hawke's Bay Regional Council and the Maori Committee of Council, highlighting:

- the clear understanding of the basis and on-going conduct of the relationship
- that the relationship is one of mutual benefit, and
- the involvement of the Committee in decision-making processes.

5. Purpose of Maori Committee

The purpose of the Maori Committee is seen as three-fold:

- 5.1 Actively participating in relevant decision-making, policy development and other activities of the Hawke's Bay Regional Council.
- 5.2 Initiating effective hapu/marae/tangata whenua interaction with the Hawke's Bay Regional Council.
- 5.3 Advising Council how to deal with particular issues affecting tangata whenua in particular.

6. Committee Kawa (Protocol)

- 6.1 The Committee will meet on calendared dates as agreed by Council for the purpose of discussing relevant agenda business put forward by either the Council or tangata whenua.
- 6.2 Such meetings will generally be every second month with the ability for the Chairman to call extra meeting(s) if required to deal with specific and/or urgent business.
- 6.3 At least two meetings per year will be on marae. *{Rescinded. See Maori Committee meeting minutes 27 April 2005}**
- 6.4 The Committee shall elect a Chairman to conduct the meetings of the Maori Committee and perform other functions of the Committee as appropriate. The Chairman shall be elected from the Maori members of the Committee.
- 6.5 The Chairman shall be elected for the term of the Committee but shall not be precluded from a subsequent term as Chairman if so nominated.
- 6.6 At the beginning of its three year term the Committee will develop a Plan setting out the objectives for the rest of the three year term.
- 6.7 The meetings of the Committee shall be conducted in accordance with standing orders of Council while at times recognising the process of tikanga Maori (Maori custom and practice).
- 6.8 The Maori members of the Committee may hold a pre-meeting prior to the meeting proper to network and clarify issues to be raised at the meeting proper.
- 6.9 When meeting on marae the Standing Orders will be suspended to allow marae kawa.
- 6.10 Each rohe (area) may appoint a 'stand in' representative to attend committee meetings if a regular representative from their area is unavailable, but this right is to be used as infrequently as is possible to ensure continuity and familiarity by appointed members.

7. Maori Committee Members' Responsibilities

Maori Committee Members will:

- 7.1 Ensure consultation and feedback to hapu/marae and other Maori organisations.
- 7.2 Put forward appropriate agenda items for discussion by the Committee.
- 7.3 Promote appropriate tangata whenua issues during the Council's Annual Plan process.
- 7.4 Liaise with **hapu/marae/tangata whenua** when required to assist direct contact with the Council.
- 7.5 Provide the Regional Council with appropriate tangata whenua contacts as and when necessary.
- 7.6 **When requested by Consents staff, provide appropriate tangata whenua contacts for those deemed 'affected' by a notified resource consent application.**
- 7.7 Promote tangata whenua interests in the Council's decision-making processes.
- 7.8 Assist Council to avoid disputes involving tangata whenua issues.

8. Responsibilities of Councillors on the Maori Committee

Regional Councillors on the Maori Committee will:

- 8.1 Seek an understanding of the issues relevant to the Regional Council which are of importance to the tangata whenua.
- 8.2 Represent and reflect the Council's policies, plans and responsibilities to the Maori Committee.
- 8.3 Promote an understanding of the concerns and reflect the resolutions of the Maori Committee to Council.

9. Te Tiriti O Waitangi (Treaty of Waitangi) Policies

(The Treaty Article relevant to each Policy is shown in brackets)

- 9.1 The Hawke's Bay Regional Council acknowledges that:
 - 9.1.1 Major aspects of the Resource Management Act and Local Government Act place particular responsibilities on the Council regarding its involvement with Maori. (Article One)
 - 9.1.2 It is necessary and valuable to have Maori input into decision-making and policy development, where appropriate. (Article One & Two)
 - 9.1.2 There are special requirements of Council to consult with tangata whenua over matters of interest to Maori. (Article Two)
- 9.2 **Policies**
 - 9.2.1 **Resource Consent Process (Article One & Two)**
 - 9.2.1.1 The Council will provide a process to allow relevant tangata whenua to have a meaningful input into publically notified or limited notified resource consent applications that affect them as either hapu/marae or iwi.

- 9.2.1.2 Relevant Maori members of the Maori Committee will at times be asked to provide appropriate tangata whenua contacts in relation to resource consent application(s) and in particular notified consents.

The appropriate contacts will be required to represent Tangata Whenua's views in relation to the proposed activity requiring resource consent and may involve formal submissions either supporting or opposing the application and appearing at consent hearings.

- 9.2.1.3 The process will be reviewed at least every three years with members of the Committee to ensure it is still relevant and effective.

9.2.2 Consultation/ Communication (Article One & Two)

- 9.2.2.1 "Consultation is an essential component of giving effect to the principles of the Treaty rather than an accepted principle of the Treaty itself" (Parliamentary Commissioner for the Environment, Proposed Guidelines for Local Authority Consultation with Tangata Whenua, P5, June 1992).

- 9.2.2.2 The Council and Maori Committee acknowledge the elements of effective consultation as established through the Courts:

- a) That sufficient information is provided to the consulted party, so that they can make informed decisions,
- b) That sufficient time is given for both the participation of the consulted party and the consideration of the advice given, and
- c) That genuine consideration of that advice, including an open mind and a willingness to change, is shown.
- d) That consultation must be carried out in good faith by both parties.

9.2.3 Consultation Policy for tangata whenua Issues (Article One & Two)

Kanohi ki kanohi – Pokohiwi ki pokohiwi

Face to face – Shoulder to shoulder

- 9.2.3.1 In a wide variety of the Council's work there will be a need for effective consultation/communication with tangata whenua.

- 9.2.3.2 The Council will endeavour to identify those with mana whenua (authority for that land) through the appropriate members of the Maori Committee on relevant occasions and in particular for resource consent applications.

- 9.2.3.3 The Council will endeavour to meet kanohi ki kanohi (face to face) at an appropriate venue, such as marae.

- 9.2.3.4 The Council will acknowledge the mana (integrity) of the hui (meeting) by sending senior staff and where appropriate Councillors. That is, those who can make the decisions.

- 9.2.3.5 Where there are on-going meetings required, Council will ensure that the relevant member of the Maori committee is kept informed about developments and involved directly at an early stage if there is a possibility of an impasse.

- 9.2.3.6 The Council will allow such time as is reasonable for a decision to be made allowing for tikanga Maori (Maori custom and practice) and thereby maximising the chances of a decision where the Council and tangata whenua will be pokohiwi ki pokohiwi (shoulder to shoulder) on the issue.

- 9.2.3.7 The Council's commitment is, through a process of pokohiwi ki pokohiwi, to achieve a result where all parties are confident that their voice has been heard and respected and that the outcome has their support. It is accepted, however, that on rare occasions the Council may have to use its statutory powers or to refer issues to the legal system as a measure of last resort.
- 9.2.4 The Council will, within its statutory responsibilities, exercise its duty to protect Maori taonga (treasures) to the fullest extent practicable. (Article Two & One).
- 9.2.5 The Council will resource tangata whenua, where appropriate, to ensure adequate consultation at a meaningful level is achieved on relevant issues. (Article Two & Three).
- 9.2.6 The Council in making any decision will ensure that the results of any consultation with tangata whenua are fully considered. (Article Two & Three).

9.2.7 Waahi Tapu (Article Two)

- 9.2.7.1 The Council will exercise its responsibility to assist tangata whenua to protect and preserve waahi tapu sites, in the coastal marine area, on the beds of lakes and rivers and on Council owned or administered land.
- 9.2.7.2 Council acknowledges that only tangata whenua can identify waahi tapu and decide on the importance of any particular waahi tapu.
- 9.2.7.3 Council will provide a facility to allow the registering of waahi tapu sites.
- 9.2.7.4 Council will take all practical measures to protect the sanctity of waahi tapu sites within the reasonable bounds of budgetary restraints.
- 9.2.7.5 Council will respect the wishes of hapu/marae who wish to keep the actual site of a particular waahi tapu secret by recording a general locality indicator, or by operating a 'silent file' for limited access.
- 9.2.7.6 Council will give the utmost respect to information given by hapu/marae, in confidence.
- 9.2.8 The Council will investigate which powers could be transferred to recognised nga hapu. (Article Two).
- 9.2.9 The Council will lift the general awareness within Council of the significance of Maori issues. (Article Three)
- 9.2.10 The Council will provide training, particularly of Officers and Councillors of the Council, in relation to bi-cultural awareness and issues. (Article Three)
- 9.2.11 The Council will provide relevant training to members of the Maori Committee. (Article Three)

10. Council's Commitment to the Maori Committee

Council, in acknowledging the necessity and value of Maori involvement in decision-making and policy development, will:

- 10.1 Appropriately resource the Maori Committee.
- 10.2 Resource Maori Committee meetings on marae when appropriate and also relevant consultation hui.
- 10.3 Maintain two positions on each of the Council's Environmental Management and Asset Management & Biosecurity Committees for representatives from the Maori Committee.*

- 10.4 Maintain two positions on the Council's Strategic Planning and Finance Committee, one of whom shall be the Chair of the Maori Committee.
- 10.5 Maintain one position on the Hearings Committee for a representative from the Maori Committee,
- 10.6 Maintain one position on other Council Committees/Task Groups to provide Maori input where the focus of the Committee has a direct impact on Maori.
- 10.7 Have the Chairman of the Maori Committee as a participant at the full Regional Council meetings.
- 10.8 Councillors and appropriate staff will hold a wananga ('seminar') with kaumatua from throughout the rohe (area) to listen to the issues that are of importance for these iwi leaders at times when it is considered appropriate by either party.
- 10.9 Maintain a strong working relationship with Ngati Kahungunu Iwi Incorporated.
- 10.10 As and when relevant, source appropriately experienced Maori to undertake specific work for the Council.
- 10.11 Ensure the Chairman (and through him/her the members) of the Maori Committee is provided with the background information relating to Council's meeting agendas.

11. Evaluation

To provide an evaluation of the effectiveness of the Maori Committee, the Maori Committee may request that an evaluation of its role, functions and performance be arranged by Council. Council may also indicate its intention to evaluate the role, functions and performance of the Maori Committee.

The Charter will be reviewed every three years.

- 11.1 To ensure the vitality of the relationship established by this Charter, the performance of the Council and the Maori Committee in their respective roles will be evaluated.
- 11.2 To assess the effectiveness a measurement tool will be developed and used as follows:
 - 11.2.1 On an annual basis the Committee may review any Charter issues coupled with progress on the Committee's 3-year plan. An opportunity for this will be provided at the last Committee meeting in a calendar year.
 - 11.2.2 Before the end of the Committee's 3-year term an auditor will be commissioned by the Council to conduct an audit of the performance of the Council and Committee relative to the Charter and the 3-year Plan during that period.
 - 11.2.3 In addition, the Charter will be reviewed again in 2007 unless deemed necessary prior to this time.

12. Summary

This Charter is a statement of the agreed principles of participation between the Hawke's Bay Regional Council and the Maori Committee of Council.

It sets out the broad parameters under which the parties will interact.

The creation of the Maori Committee of Council has been an important step in the process of acknowledging tino rangatiratanga in Hawke's Bay.

While it is not intended to be a legally binding document, the Charter is entered into by both parties with the utmost good faith.

The Charter is a continuation of the process to enable tangata whenua to have a meaningful voice in local government, and is based on the trust that has been established between the two groups.

December 2002

**** Amended May 2005***

****Reviewed April 2011***

Item 8

Attachment 1

HAWKE'S BAY REGIONAL COUNCIL**MAORI COMMITTEE****Tuesday 26 April 2011****SUBJECT: MAORI COMMITTEE JOINT HUI****REASON FOR REPORT:**

1. It has been some time since a hui involving all of the Region's Maori Committees has been held.
2. Traditionally it has been the Regional Council Maori Committee that has initiated such a meeting.
3. This paper is presented so the Committee can decide if it would like to sponsor a hui of the Maori Committees that represent Councils in the Region.

Background


4. Previous hui have proved a valuable opportunity to discuss common issues, network and plan for future direction and interaction with Councils on matters of concern to Maori.
5. While the focus of the regional council and the city and district councils often have different issues that affect Maori, there is also a number of common issues that can be discussed in such a hui to everyone's benefit.

RECOMMENDATION:

1. That the Maori Committee decides whether or not to organise a hui for the Region's Maori Committees.



Viv Moule
HUMAN RESOURCES MANAGER



Andrew Newman
CHIEF EXECUTIVE

Attachment/s

There are no attachments for this report.

**SUBJECT: SUPPLEMENTARY CULTURAL IMPACT ASSESSMENT FOR THE
RUATANIWHA WATER STORAGE FEASIBILITY STUDY**

REASON FOR REPORT:

1. This paper is to provide an update to the Committee on the supplementary Cultural Impact Assessment for the Ruataniwha Water Storage Feasibility Study.

Background

2. In March 2010 the initial Cultural Impact Assessment (CIA) was contracted to the Eastern Institute of Technology (EIT), with the work undertaken by Dr Benita Wakefield. Progress of this assessment was reported to the Maori Committee on Tuesday 24 August 2010 and the report was completed by Dr Wakefield in September 2010.
3. In late in 2010 two new potential water storage sites were located in the Ruataniwha area, on the Mākaroro and the Mākāretu Streams. These sites had not been included in the initial CIA report. Due to the new locations and the nature of the sites, HBRC enlisted the EIT and Dr Wakefield to complete an additional report to include the Mākaroro and the Mākāretu Streams. The EIT have handled the Information gathering stage of cultural assessment. The ongoing liaison phase will be handled by the External Relations group from HBRC.
4. The CIA provided technical information from a tikanga tangata whenua perspective that has focused on identifying areas of cultural significance on specific sites of the proposed water storage and irrigation scheme. The report also includes descriptions of cultural values and traditional relationships with ancestral lands, water, sites, wāhi tapu and other taonga associated with the Tukituki catchment
5. The objectives of the supplementary CIA were to:
 - 4.1 Assess the two additional sites where the storage dams and irrigation zones are located to identify any wāhi tapu, wāhi taonga and other areas or natural resources of cultural significance, and the cultural values associated with them within the traditional boundaries of the marae/hapū of the Ruataniwha plains.
 - 4.2 Assess the effects on the health state of the Tukituki River and tangata whenua in terms of the relationship to values, mauri, water quality, indigenous biodiversity, and other concerns within the upper Tukituki catchment.
6. The supplementary CIA does not supersede the initial report. The first report forms the base description of cultural values and traditional relationships with ancestral lands, water, sites, waahi tapu (sacred) and other taonga (treasures), it also details the initial concerns raised. The supplementary report adds to this information and should be read in conjunction with the initial report.
7. Many potential concerns and benefits have been raised throughout the reports. The recommendations provided in the report will be used to assist HBRC with communications regarding these concerns and benefits. Potential opportunities for local Māori have been raised in the supplementary report.

DECISION MAKING PROCESS:

8. Council is required to make a decision in accordance with Part 6 Sub-Part 1, of the Local Government Act 2002 (the Act). Staff have assessed the requirements contained within this section of the Act in relation to this item and have concluded that, as this

report is for information only and no decision is to be made, the decision making provisions of the Local Government Act 2002 do not apply.

RECOMMENDATION:

That the Committee:

1. Receives the Cultural Impact Assessment report and the Supplementary Report.
2. Notes that future liaison with Hapu is not limited to those already contacted and will continue throughout the duration of the Ruataniwha Water Storage Feasibility Study, beyond the completion of the Cultural Impact Assessment.



Monique Benson
WATER MANAGEMENT ADVISOR



Graeme Hansen
GROUP MANAGER
WATER INITIATIVES

Attachment/s

- 1 CIA Final Report - September 2010 Under Separate Cover
Final Supplementary CIA Report

SUBJECT: MAORI CONSTITUENCY REVIEW

REASON FOR REPORT:

1. Every six years the Council has to consider whether to undertake a 'representation review'. As part of this review Council may review whether or not to establish a Maori Constituency.
2. The timetable for the review commences in September this year.
3. If established, the Maori Constituency would provide an elected Maori representative on Council in the 2013 elections.
4. This paper is giving members a 'heads up' on the issue so they can begin consultation with their relevant organisation before deciding on a Maori Committee recommendation on the issue to Council.

Background

5. This option was last discussed in 2005. At that time two hui were held to give an opportunity to Maori to contribute to the discussion and inform their representatives on the Maori Committee.
6. AT that time while there was support for having Maori 'at the decision-making table', there were also concerns around the likelihood that there would only be one Maori constituency therefore only one Maori representative on the Council.
7. There was also a concern that any Maori could stand for the constituency who might not be tangata whenua but who could be elected.
8. Another concern was that if a constituency was established then it might be that the Council decided that the Maori Committee was not required as additional Maori input into Council.
9. On balance the Maori Committee at that time recommended to Council that it did not support the establishment of a Maori constituency in this region.
10. Subsequently Council decided to leave the possibility of establishment of a Maori Constituency to the public submission component of the Local Electoral Act and did not support or not support the establishment in 2005.
11. By November 2011 Council will have to decide if it wishes to promote the establishment of a Maori Constituency. It will be keen to have the Maori Committee's views before making that decision.
12. By raising the issue now it gives members an opportunity to consult with a view to discussing at the Committee's June and/or August meeting before making a recommendation to Council on the issue.

RECOMMENDATION:

1. That the Maori Committee receives the report 'Maori Constituency Review'.



Viv Moule
HUMAN RESOURCES MANAGER



Andrew Newman
CHIEF EXECUTIVE

Attachment/s

There are no attachments for this report.

SUBJECT: FISH BARRIERS

REASON FOR REPORT

1. Structures in the beds of rivers and streams can cause a barrier to migrating fish by preventing their upstream or downstream passage.
2. Pump stations designed to regulate stormwater flows and tide gates and flood gates at culvert openings when closed are a complete barrier to fish passage. Weirs are concrete, stone or stonemesh overflow walls or structures that are designed to raise upstream water level for the purpose of diverting flows or measuring the rate of flow. Weirs are a significant obstacle to fish passage.
3. The introduction of the Freshwater Fisheries Legislation in 1983 and the Resource Management reform of the late 1980s early 1990s. Act in 1991 highlighted fish passage as being a significant issue in New Zealand. The Hawke's Bay Regional Council sets out clear direction to address this issue through policies and rules in the Regional Resource Management Plan (RRMP).
4. The Hawke's Bay Regional Council fish monitoring strategy (2006) highlighted the need for an assessment of potential barriers to fish passage in the region. The project aimed to list the location of these potential barriers on public and HBRC managed land and assess each of the structures on the severity of the restriction to particular fish species with differing climbing abilities.

Background

5. New Zealand has a small number of native freshwater fish species compared to other countries in the world. Of the 35 native species included in the fauna, 18 of these spend part of their life in the sea as part of life cycle (diadromous). The presence of structures in waterways has become a problem for some species of fish to migrate between inland waters and estuarine and coastal waters to access suitable habitat to complete their life cycle.
6. The climbing ability of fish differs dramatically between species; the best climbers being the longfinned and shortfinned eels which can survive for extended periods out of water by absorbing oxygen through their skin. Some galaxiid species such as the Koaro and banded Kokopu have evolved with large pectoral fins enabling them to cling to moist surfaces of rocks and allow them to climb extensive waterfalls. The climbing ability of different fish species determines their ability to navigate barriers and penetrate inland.
7. Poor design and installation of culverts is a major problem for fish passage. Culverts installed higher than the natural stream level (perched) can pose a problem for fish to pass through due to the inability for fish to enter the culvert. These perched culverts become inaccessible for all species. Flow conditions inside the culverts can also present a problem for fish passage. Large culverts with a wide diameter become a barrier at low flow conditions due to shallow water depth.
8. A total of 88 structures in 82 separate locations were assessed as preventing the upstream and downstream migrations of the fauna. Of these culverts, storm water pumping stations and weirs make up the majority of the structures identified as causing a barrier to fish passage. Bridge aprons, dams, fords and a recently engineered fish pass at Pekapeka Swamp made up the remaining amount with only 1% of each contributing to the proportion of fish passage types.

Communication

9. Information contained in this report will be provided to TLAs, Transit and Department of Conservation to enable review of those structures that are currently inhibiting fish passage. The report will inform consenting to assist in the assessment of new or changes to existing culverts. The report has been provided to the engineering staff for consideration of management options within the environmental management review of council managed waterways.

DECISION MAKING PROCESS

10. Council is required to make a decision in accordance with Part 6 Sub-Part 1, of the Local Government Act 2002 (the Act). Staff have assessed the requirements contained within this section of the Act in relation to this item and have concluded that, as this report is for information only and no decision is to be made, the decision making provisions of the Local Government Act 2002 do not apply.

RECOMMENDATION

1. That the Maori Committee receives the report.



Fiona Cameron
DATA ANALYST

Adam Uytendaal
PRINCIPAL SCIENTIST, WATER QUALITY
& ECOLOGY



Graham Sevicke-Jones
MANAGER ENVIROMENTAL SCIENCE

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

MAORI COMMITTEE

Tuesday 26 April 2011

Item 15

SUBJECT: STATUTORY ADVOCACY MATTERS

REASON FOR REPORT

1. This paper reports on proposals considered under Council's statutory advocacy project and the Resource Management Act 1991 for the period 27 January – 30 March 2011.

Background

2. The proposals on which Council has an opportunity to make comments or lodge a submission include, but are limited to:
 - 2.1 Notified Resource Consent Applications
 - 2.2 Plan Changes
 - 2.3 Private Plan Change Requests
 - 2.4 Notice of Requirement
 - 2.5 Non-statutory Strategies and Structure Plans.
3. The summary attached included an actual list and description of the proposals, whether submissions were lodged in support or opposition, and the reasons for lodging a submission. A location map is also attached.

DECISION MAKING PROCESS

Council is required to make a decision in accordance with Part 6 Sub-Part 1, of the Local Government Act 2002 (the Act). Staff have assessed the requirements contained within this section of the Act in relation to this item and have concluded that, as this report is for information only and no decision is to be made, the decision making provisions of the Local Government Act 2002 do not apply.

RECOMMENDATION

1. That the Committee receives the Statutory Advocacy Update report.



Esther-Amy Bate
PLANNER



Helen Codlin
GROUP MANAGER
STRATEGIC DEVELOPMENT

Attachment/s

- 1 Statutory Advocacy Update
- 2 Updated Statutory Advocacy Map

Statutory Advocacy Update

Received	TLA	Map Ref	Activity	Applicant/ Agency	Status	Current Situation
10 March 2011	NCC	7	Resource Consent – Subdivision The applicant seeks to subdivide subdivision of 16 McElwee Street, Jervois town Certificate of Title HBD3/994 into two separate Lots. Proposed Lot 1 includes 1876m ² and the existing dwelling and garage. Proposed Lot 2 includes 2315m ² a travellers' accommodation building and the ability to construct a new dwelling onsite. Land use consent is also sought to increase permitted site coverage from 10% to 20%	Glenn Bowman Consultant – Consult Plus	Notified Restricted Discretionary	25 March 2011 <ul style="list-style-type: none"> The application proposes to store stormwater in underground tanks in rain event then discharge into the Jervois drain when the drains levels subside. The Council has submitted in opposition as the while the stormwater solution is technically feasible it is not failsafe in the long term.
31 January 2011	CHBDC	6	Resource Consent – Subdivision The applicant seeks to subdivide Lot 2 DP 382037 at Pourerere Beach Road to create Lot 1 of 9730m ² and Lot 2 of 12.293ha.	CHBDC	Pre Application	16 February 2011 <ul style="list-style-type: none"> The applicant has asked for comments from HBRC before CHBDC has made any decision regarding notification. Information provided to this Council shows the proposed subdivision boundary line will separate the effluent field (proposed Lot 1) from the septic tank and outlet (proposed Lot 2). Council has provided comment to the applicant suggesting that either the boundary line is moved to include the wastewater system or an easement is lodged against the Title of proposed Lot 2. It also appears that the system will not meet Rule 27(e)(v) of the RCEP.
5 November 2010	NCC		Notice of Requirement – Te Awa Structure Plan Notice of requirement for designation to allow for the construction of public works in the Te Awa Structure Plan area by Napier City Council.	NCC	Notified by NCC	20 December 2010 <ul style="list-style-type: none"> Regional Council lodged submission in general support of the structure plan but also made some additional comments on stormwater drainage designs. 6 December 2010 <ul style="list-style-type: none"> The Council's Engineering Team has provided comment. The Engineering Team believes that the proposed second pump station is unnecessary due to sufficient infrastructure already available in that there is scope to utilise infrastructure previously built for the Cross Country drain. Council will submit in support but provide further comments on the above.

Received	TLA	Map Ref	Activity	Applicant/ Agency	Status	Current Situation
5 November 2010	NCC	5	Plan Change 6 – Te Awa Structure Plan The purpose of the plan change is to rezone the area from Main Rural to Main Residential and incorporate the outcomes sought in the Te Awa Structure Plan into the District Plan.	NCC	Notified by NCC	20 December 2010 <ul style="list-style-type: none"> Regional Council lodged submission in general support of the structure plan but also made some additional comments on stormwater drainage designs. 6 December 2010 <ul style="list-style-type: none"> Engineering Team has provided comments. The proposed stormwater solution does not consider Low Impact Urban Design principles. It also appears that the four Wellbeings of Economic, Social, Cultural and Environment have not adequately been considered in the Structure Plan. Council will submit in support of the application but provide comment on the above.
9 September 2010	NCC	3	Resource Consent - Subdivision The applicant seeks to undertake a 2 Lot subdivision to create one (1) 0.178 hectare residential Lot (being proposed Lot 1) and a balance Lot which will be 3.31 hectares (being proposed Lot 2). The address for the subdivision is 45 Rogers Road, Bay View, legal description Lot 4 DP 7344.	Cindy McKinnie Consultant – Consult Plus	Notified Restricted Discretionary	21 February 2011 <ul style="list-style-type: none"> Council joined as Party to Proceedings with the Environment Court opposing the applicants appeal that the NCC decision be overturned. 31 January 2011 <ul style="list-style-type: none"> Received notice of an appeal by applicant against NCC decision seeking that the NCC decision to decline the application be overturned. 7 December 2010 <ul style="list-style-type: none"> Application Hearing held on 24th November, Application declined by NCC. 8 October 2010 <ul style="list-style-type: none"> HBRC lodged submission opposing application. Consent should be declined unless the proposed 2 residential lots are fully serviced or sufficient information is provided to show that adverse effects of on-site wastewater discharges (particularly in combination with the proposed soak-pit means of stormwater disposal), will be adequately avoided, remedied or mitigated. Submission stated installation of a reticulated sewage system for the Bay View community to be a sustainable long-term solution for the treatment and disposal of wastewater. Submission also seeks clarification of floor level for flooding risk also requested.

Received	TLA	Map Ref	Activity	Applicant/ Agency	Status	Current Situation
23 August 2010	NCC	2	Resource Consent – Subdivision The application seeks to subdivide 58 McElwee Street, Jervoistown Certificate of Title HBM2/1351 into two separate lots.	Mr B. Joseph Consultant – Consult Plus	Notified Restricted Discretionary	<p>27 January 2011</p> <ul style="list-style-type: none"> Council has become a party to the appeal lodged by the applicant under Section 274 of the Resource Management Act 1991. The Council is interested in all of the proceedings but in particular is interested in issues relating to the effects of increased site coverage and stormwater collection, treatment and disposal. <p>16 December 2010</p> <ul style="list-style-type: none"> Council has received a Notice of Appeal from the applicant on the NCC decision. <p>17 November 2010</p> <ul style="list-style-type: none"> Application was declined at Hearing held 17 November 2010 as it was decided that the creation of two 2000m² lots was contrary to the intent of the Napier District Plan. <p>20 September 2010</p> <ul style="list-style-type: none"> HBRC lodged submission opposing application. Reasons include: <ul style="list-style-type: none"> No provision for stormwater disposal and will likely result in adverse conditions in terms of flood levels and duration of flooding at a local level and the wider Jervoistown community. Proposal to increase maximum site coverage from 10% to 25%. Concern that this will also increase adverse conditions in terms of flood levels and duration of flooding. A 2009 report prepared by this Council (<i>Jervoistown Drainage Analysis</i>, Hawke's Bay Regional Council, April 2009) outlines the drainage issues and provides the conclusion that incremental development at Jervoistown will continue to result in reduced drainage standard for the existing houses. A copy of this report was provided to Napier CC shortly after its publication.

Received	TLA	Map Ref	Activity	Applicant/ Agency	Status	Current Situation
24 May 2010	NCC	1	Resource Consent - Subdivision The application seeks to subdivide an area of land currently zoned as main rural on Franklin Road, Bay View into 6 lots and undertake earthworks.	Gerald Howe Consultant – Alan Petersen	Notified Restricted Discretionary	15 October 2010 <ul style="list-style-type: none"> No recent activity. 2 August 2010 <ul style="list-style-type: none"> Policy staff have met with the applicant's consultant. Options and scenarios for wastewater consenting and servicing are under consideration. 14 July 2010 <ul style="list-style-type: none"> Council submitted in opposition to the application seeking that the application be declined unless all of the 6 Lots were fully serviced. 12 June 2010 <ul style="list-style-type: none"> Comment has been sought from the Regulation and Engineering teams. The stormwater solutions for the site are acceptable due to the free draining nature of the soils. The same soil types present an issue with on-site wastewater disposal and insufficient treatment. Coupled with the proximity of the subdivision to the coastal marine environmental it is likely that the Council will submit against the application. Submissions closed 24 June 2010.



HAWKE'S BAY REGIONAL COUNCIL

MAORI COMMITTEE

Tuesday 26 April 2011

Item 16

SUBJECT: GENERAL BUSINESS

INTRODUCTION:

This document has been prepared to assist Councillors note the General Business to be discussed as determined earlier in Agenda Item 5.

ITEM	TOPIC	COUNCILLOR / STAFF
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