



Meeting of the Hawke's Bay Regional Council Maori Committee

Date: Tuesday 27 August 2013
Time: 10.15 am
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Agenda

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6.	Call for General Business Items	
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Please Note - Pre Meeting for Māori Members of the Committee begins at 9 am

- 1. As building alterations are currently underway on site, access to parking spaces on site is unavailable.**
- 2. Green Parking permits have been included with this agenda to allow you to park in the Napier City Carpark in Vautier Street for the meeting. There is no requirement for you to purchase a ticket from the machine.**
- 3. Please note the instruction on the permit which state the green permit should be placed right side up inside your car windscreen.**

HAWKE'S BAY REGIONAL COUNCIL

MAORI COMMITTEE

Tuesday 27 August 2013

Item 3

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 the Maori Committee agree:

That _____ be appointed as member/s of the Maori Committee of the Hawke's Bay Regional Council for the meeting of Tuesday, 27 August 2013 as short term replacements(s) on the Committee for _____



Viv Moule
HUMAN RESOURCES MANAGER



Liz Lambert
INTERIM CHIEF EXECUTIVE

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

MAORI COMMITTEE

Tuesday 27 August 2013

Item 7

SUBJECT: ACTION ITEMS FROM PREVIOUS MAORI COMMITTEE MEETINGS

Introduction

1. **Attachment 1** lists items raised at previous meetings that require actions or follow-ups. All action items indicate who is responsible for each action, when it is expected to be completed and a brief status comment. Once the items have been completed and reported to Council they will be removed from the list.

Decision Making Process

2. 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 required in terms of the Local Government Act's provisions, the decision making procedures set out in the Act do not apply.

Recommendation

1. That the Maori Committee receives the report "Action Items from Previous Maori Committee Meetings".



Viv Moule
HUMAN RESOURCES MANAGER



Liz Lambert
INTERIM CHIEF EXECUTIVE

Attachment/s

- 1 Action Items

Actions from Maori Committee Meetings

Item 7

25 June 2013 meeting

	Agenda Item	Action	Person Responsible	Due Date	Status Comment
1.	Update on Long fin Eel	Letter to be signed by Chairman for presentation to Ngati Kahungunu	VM/LL	Immed	Verbal Update at meeting

Attachment 1

HAWKE'S BAY REGIONAL COUNCIL

MAORI COMMITTEE

Tuesday 27 August 2013

Item 8

SUBJECT: NGATI KAHUNGUNU IWI INCORPORATED MARINE AND FRESHWATER FISHERIES STRATEGIC PLAN

Reason for Report

1. This paper outlines implications of Kahungunu ki Uta, Kahungunu ki Tai, Marine & Freshwater Fisheries Strategic Plan ('the Strategic Plan') for Council's activities and responsibilities. The Strategic Plan was previously circulated to Committee members at the meeting on 25 June 2013 after being lodged by Ngati Kahungunu Iwi Incorporated on 14 June. This paper recommends that the Strategic Plan be 'received'.

Background

2. In April, the Committee agreed to a process for receiving iwi/hapu management plans (IHMPs). The Strategic Plan is the first IHMP to have been lodged with the Council since that process was adopted.
3. In general terms, IHMPs are tools for outlining the concerns and aspirations of iwi/hapu that may (or may not) relate to resource management and local authority planning. There is no prescribed format or content for IHMPs.
4. If the Council were to receive a IHMP that had been approved by the iwi authority (Ngati Kahungunu Iwi Inc in this case), then the Council would be expected to consider the IHMP for purposes of decision-making under the Resource Management Act (RMA). In short, the RMA requires Council to:
 - 4.1. take into account any relevant IHMPs when preparing or changing regional plans and policy statements
 - 4.2. have regard to any relevant IHMPs when considering resource consent applications.
5. IHMPs may also have a bearing on the Council's broader projects and roles under the Local Government Act.
6. The term 'receiving' a IHMP is deliberate. The Council is not being asked to accept or reject the document, instead, simply receive it so the document can be taken into account as part of the Council's future planning and decision-making.

Kahungunu ki Uta, Kahungunu ki Tai

7. Kahungunu ki Uta, Kahungunu ki Tai is formed by three groups, Ngati Kahungunu Iwi Incorporated; the Coastal Hapu Collective Incorporated Society; and Kahungunu Asset Holding Company Limited. The group's objective is to develop a strategic plan to guide the integrated management of fisheries, freshwater and coastal resources within the Kahungunu rohe. Regional Council staff understand that the Strategic Plan was drafted and finalised in 2008. The Strategic Plan is intended to establish the basis for a "single door policy" for all agencies and groups seeking to consult on marine, estuarine and freshwater fisheries issues in the Kahungunu rohe.

Key Features of the Strategic Plan

8. In its own words, the Strategic Plan "*sets out the aspirations of Kahungunu for the use and management of marine and freshwater fisheries*" within the Kahungunu rohe. The Strategic Plan states a number of high level goals/desired outcomes along with methods, tasks and related timelines to achieve the stated goals. These goals "*set us on a path to begin rectifying the problems, and a long list of activities that will need to be completed in order to begin to realise those goals*".

9. Table 1 below repeats those goals/desired outcomes of Kahungunu alongside some of the key implications of the goals on Council's activities and responsibilities.

TABLE 1: Strategic Plan Goals and key implications for HBRC activities

Kahungunu goal/desired outcome	Key implications for HBRC activities / responsibilities (indicative only)
1. <i>Kahungunu is involved effectively in all regulatory fisheries management processes affecting key icon/taonga species</i>	<p>a) HBRC is not responsible for commercial, recreational or customary marine or freshwater fisheries management regulation. This is managed by Ministry of Primary Industries through the Quota Management System under the Fisheries Act 1996.</p> <p>b) Department of Conservation also has responsibilities under the Conservation Act 1987 for controlling fisheries in protected areas.</p> <p>c) HBRC controls the occupation of space in the coastal marine area for the purpose of aquaculture activities through the Regional Coastal Environment Plan.</p> <p>d) Kahungunu should be considered an affected party and served notice of resource consent applications to undertake aquaculture activities, but...</p> <p>e) the 'single door' approach promoted by the Strategic Plan may be difficult to apply where Kahungunu are also the applicant proposing to undertake the commercial aquaculture activity.</p>
2. <i>Measures are in place for localised fisheries management to minimise conflict between competing uses (including through voluntary agreements and the restoration/ enhancement of appropriate areas).</i>	<p>f) HBRC engages with stakeholders (including Kahungunu) to identify catchment values and objectives. Some of those management objectives may relate to fishery values and also associated trade-offs alongside consideration of other values. This leads to preparation and review of catchment-based regional plans under RMA.</p> <p>g) HBRC's management of regional parks and river control and drainage scheme areas may involve initiatives (e.g. physical works and agreements) to restore and enhance specific areas.</p>
3. <i>Environmental issues affecting inland waterways and coastal waters are more effectively managed to maintain, restore and enhance mauri and to avoid, remedy or mitigate adverse effects on fisheries and their habitats.</i>	<p>h) see (f) above.</p> <p>i) Existing regional plans and policy statement recognise the need to manage waterways and coastal waters to avoid, remedy and mitigate adverse effects. RPS includes objectives for recognising iwi values, consultation, protecting waahi tapu, tauranga waka, mahinga kai, mahinga mataitai, taonga raranga, and taonga rongoa. Another example is Plan Change 6 ('Tukituki River Catchment') which proposes management objectives to ensure adverse effects on aspects of water quality and quantity that contribute to mauri are avoided, remedied or mitigated.</p>
4. <i>Hapu are empowered and respected as effective managers of customary fishing within their Rohe, and full participants in wider fisheries management. The customary Kaimoana needs of Hapu are identified and provided for.</i>	<p>j) see (a) and (b) above.</p>
5. <i>The value of Kahungunu commercial fishing assets, and the returns (both tangible and intangible) from those assets, are maximised now and into the future, consistent with this Strategy.</i>	<p>k) Not directly relevant to HBRC's activities and responsibilities.</p>
6. <i>Recreational fishing is effectively managed, with appropriate input by those with Kaitiaki responsibilities.</i>	<p>l) Not directly relevant to HBRC's activities and responsibilities. See (a) and (b) above.</p>

Kahungunu goal/desired outcome	Key implications for HBRC activities / responsibilities (indicative only)
7. <i>Hapu are effectively involved in compliance activities across all fisheries sectors.</i>	m) Not directly relevant to HBRC's activities and responsibilities. See (a) and (b) above.
8. <i>Improved capacity, co-operation between Kahungunu iwi and hapu, commercial and non-commercial fishing interest improves cohesiveness and a 'one door' policy ensures more effective interactions with other agencies.</i>	n) Not directly relevant to HBRC's activities and responsibilities. See (a) and (b) above in relation to fisheries management. o) Also see (f), (g) and (i) above in relation to decision-making under RMA for management of water quality and quantity issues.
9. <i>Well-informed fisheries managers are empowered to make good fisheries management decisions.</i>	p) HBRC shares data and information about natural resources with Kahungunu, and vice-versa. This could cover wetlands, biodiversity, water quality and water quantity information. Many technical scientific reports on these topics are already publicly available. q) Information requests might need to be co-ordinated from across the Council through a single point of contact to give effect to the relationship style sought by Kahungunu.
10. <i>Effective lines of communication exist within Kahungunu between Iwi and Hapu fisheries managers, their constituents, and between commercial and non-commercial interests</i>	r) HBRC's activities re. fisheries relates to ecosystems (including wetlands and estuaries) water quality and water quantity. See (f), (g) and (i) above. s) Currently within HBRC, there is no "single point of contact" identified for communication with Kahungunu.
11. <i>Kahungunu is recognised as a leader in fisheries management in its rohe and exercises effective influence with fisheries management agencies. Fisheries stakeholders support Kahungunu aspirations for fisheries in the rohe.</i>	t) Not directly relevant to HBRC's activities and responsibilities. u) Also see (f), (g) and (i) above in relation to decision-making under RMA for management where Kahungunu can be regarded as a stakeholder and leader in fisheries management.
12. <i>Kahungunu Iwi members have the skills and expertise to participate at all levels of fisheries management and operations.</i>	v) See (p) above regarding sharing of information. w) In relation to RMA decision-making, the skills and expertise of Kahungunu Iwi members contributes positively to enduring resource management outcomes in Hawke's Bay.

10. The 2012-22 Long Term Plan (LTP) currently includes a number of projects and initiatives (such as research and studies within flood control scheme areas and river corridors) that Kahungunu Iwi are likely to be, or become, involved in. Continuing the Te Karamu project and reviews of asset management plans for the drainage scheme areas are other examples of projects that are likely to involve Kahungunu Iwi.
11. It should also be noted that the Council continues to engage with iwi/hapu in catchment-based regional plan change projects as part of collaborative stakeholder group processes (e.g. for the Mohaka and Greater Heretaunga/Ahuriri catchments).

Financial and Resource Implications

12. There are no direct financial or resource implications arising from a decision to 'receive' the Strategic Plan. Once received, the Council will be obligated to take the Strategic Plan into account when preparing and changing regional planning documents under the RMA. Budgets are already in place for plan change processes currently underway which would now need to consider this Strategic Plan. Any financial and resource implications arising from having regard to the Strategic Plan when considering resource consent applications will lie within the Council's adopted policy for resource consent fees and charges.

Decision Making Process

13. Council is required to make a decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements contained in Part 6 Sub Part 1 of the Act in relation to this item and have concluded the following:
 - 13.1. The decision does not significantly alter the service provision or affect a strategic asset.
 - 13.2. The use of the special consultative procedure is not prescribed by legislation.
 - 13.3. The decision does not fall within the definition of Council's policy on significance.
 - 13.4. The persons affected by this decision are all persons with an interest in the region's management of natural and physical resources under the RMA.
 - 13.5. Options that have been considered were to receive or not receive the Strategic Plan.
 - 13.6. The decision is not inconsistent with an existing policy or plan.
 - 13.7. 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

The Maori Committee recommends Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted policy on significance and that Council can exercise its discretion under Sections 79(1)(a) and 82(3) of the Local Government Act 2002 and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision due to the nature and significance of the issue to be considered and decided.
2. Receives the *Kahungunu ki Uta, Kahungunu ki Tai, Marine & Freshwater Fisheries Strategic Plan* as a iwi/hapu management plan for purposes of Council's decision-making under the Resource Management Act.



Esther-Amy Bate
PLANNER



Gavin Ide
TEAM LEADER POLICY



Helen Codlin
GROUP MANAGER
STRATEGIC DEVELOPMENT

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

MAORI COMMITTEE

Tuesday 27 August 2013

Item 11

SUBJECT: STATUTORY ADVOCACY UPDATE

Reason for Report

1. This paper reports on proposals forwarded to the Regional Council and assessed by staff acting under delegated authority as part of the Council's Statutory Advocacy project between 25 June and 20 August 2013.
2. The Statutory Advocacy project ('Project 192') 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 plus accompanying map outlines those proposals that the Council's Statutory Advocacy project is currently actively engaged in.

Decision Making Process

5. 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 Statutory Advocacy Update report.



Esther-Amy Bate
PLANNER



Helen Codlin
GROUP MANAGER
STRATEGIC DEVELOPMENT

Attachment/s

- 1 Statutory Advocacy Update
- 2 Statutory Advocacy map

Statutory Advocacy Update (as at 20 August 2013)

Received	TLA	Map Ref	Activity	Applicant/ Agency	Status	Current Situation
10 April 2013	HDC	5	<p>Release of Draft District Plan</p> <p>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.</p>	HDC	Draft (non-notified)	<p>31 May 2013</p> <ul style="list-style-type: none"> As a Draft the document has no legal status yet under the Resource Management Act. The Draft is precursor to a Proposed District Plan HDC intend publicly notifying in September 2013. Various informal comments made by staff on draft content, particularly relating to natural hazards, HPUDS and RPS Change4, riparian management. Deadline for comments is 31 May 2013.
5 April 2013	NCC	4	<p>Draft Plan Change 10</p> <p>A community driven Plan Change to harmonise district wide provisions between the Napier District Plan with the Hastings District Plan, incorporate the Ahuriri Subdistrict Plan and update provisions as a result of recent Napier City Council policy changes and decisions into the Napier District Plan.</p>	NCC	Draft (non-notified)	<p>31 May 2013</p> <ul style="list-style-type: none"> As a Draft the document has no legal status yet under the Resource Management Act. The Draft is precursor to a Proposed District Plan NCC intend publicly notifying in September 2013. Informal comments made by staff on draft content relating to HPUDS and RPS Change4. Deadline for comments is 31 May 2013.
14 February 2013	NCC	3	<p>Resource Consent – Subdivision</p> <p>The application seeks to subdivide and develop an existing site to create a mix of 17 residential lots and 2 lots to be vested as roads on Oak Road, Poraiti, Napier.</p>	<p>Silverhill Trustees Ltd</p> <p>Consultant – Consult Plus Ltd</p>	Notified by NCC Restricted Discretionary	<p>31 July 2013</p> <ul style="list-style-type: none"> Hearing scheduled for 22 August 2013. Council is working with Silverhill Trustees consultant Engineer to finalise an appropriate stormwater design. <p>31 May 2013</p> <ul style="list-style-type: none"> Awaiting further stormwater management details. Submission period closed 15 March 2013. Submission lodged by Council opposing the application due to concerns regarding the site coverage and stormwater solutions proposed by the applicant.
24 May 2010	NCC	2	<p>Resource Consent - Subdivision</p> <p>The application seeks to subdivide an area of land currently zoned as Main Rural on 66 Franklin Road, Bay View into 6 lots and undertake earthworks.</p>	Brian Nicholls	Notified by NCC Restricted Discretionary (hearing pending)	<p>22 July 2013</p> <ul style="list-style-type: none"> A hearing was held on 5 July 2013 and the application has since been granted <p>31 May 2013</p> <ul style="list-style-type: none"> Permitted Activity status letter issued by Council for discharge of on-site wastewater. Pending hearing by NCC. Previously HBRC lodged a submission opposing proposal unless all 6 lots were fully serviced. HBRC staff have had discussions since lodging submission with NCC and applicant. Discussions focused on stormwater and wastewater design options for the proposed subdivision.

Received	TLA	Map Ref	Activity	Applicant/ Agency	Status	Current Situation
23 August 2010	NCC	1	<p>Resource Consent – Subdivision</p> <p>The application seeks to subdivide 58 McElwee Street, Jervoistown Certificate of Title HBM2/1351 into two separate lots.</p>	<p>Mr B. Joseph</p> <p>Consultant – Consult Plus Ltd</p>	<p>Notified by NCC</p> <p>Restricted Discretionary</p> <p>(subject to appeal)</p>	<p>31 March 2013</p> <ul style="list-style-type: none"> No further update. Application on hold pending hearing by NCC re Plan Change 7. Previously HBRC lodged submission opposing proposal. NCC declined consent and applicant appealed NCC's decision. HBRC joined appeal proceedings as an interested party. HBRC's interests primarily relate to stormwater management and disposal.



Statutory Advocacy

- 1. Subdivision – Mr. B. Joseph
- 2. Subdivision – Mr. Brian Nicholls
- 3. Subdivision – Silverhill Trustees Ltd
- 4. Draft Plan Change 10 – NCC
- 5. Draft District Plan – HDC

Item 11

Attachment 2

HAWKE'S BAY REGIONAL COUNCIL

Tuesday 27 August 2013

SUBJECT: GENERAL BUSINESS

Item 12

INTRODUCTION

This document has been prepared to assist Councillors note the General Business to be discussed as determined earlier in Agenda Item 6.

ITEM	TOPIC	COUNCILLOR / STAFF
1.	New Māori Committee post October Elections	Viv Moule
2.		
3.		
4.		
5.		