

Extraordinary Meeting of the Hawke's Bay Regional Council

- Date: Wednesday 15 April 2020
- **Time:** 9.00am
- Venue: Online using Zoom

Agenda

ITEM	SUBJECT	PAGE
1.	Welcome/Apologies/Notices	
2.	Conflict of Interest Declarations	
3.	Confirmation of the Extraordinary Regional Council Meeting held on 8 April 2020	
Decisio	on Items	
4.	Regional Planning Committee Tangata Whenua Representation on Council's Committees	3
5.	Implications of Alert Level 3 on TANK Notification	5
Informa	ation or Performance Monitoring	
6.	Climate Change Working Group Update	11
7.	Hawke's Bay Summer 2019-20	15
8.	Select Committee Report on the Resource Management Amendment Bill	27

Wednesday 15 April 2020

SUBJECT: REGIONAL PLANNING COMMITTEE TANGATA WHENUA REPRESENTATION ON COUNCIL'S COMMITTEES

Reason for Report

1. This item provides the means for Council to confirm Regional Planning Committee (RPC) tangata whenua representation on Council's standing committees.

Background

- Traditionally, the Regional Council has had tangata whenua representatives of the RPC on:
 - 2.1. the Environment and Integrated Catchments Committee (1)
 - 2.2. the Corporate and Strategic Committee (1)
 - 2.3. the Hearings Committee (2 x RMA Making Good Decisions accredited).
- 3. In addition, the Environment and Integrated Catchments Committee has requested tangata whenua representation from the RPC on the Climate Change working party (2):
- 4. Tangata whenua representatives provide tangata whenua views and contribute valuable input to the issues considered by those committees, as well as provide feedback to the RPC on wider Council activities outside the scope of the RPC RMA functions.

Regional Planning Committee Nominations

- 5. The Tangata Whenua Hui on 17 March 2020 appointed Api Tapine as the representative to all Council committees requiring representation from tangata whenua members of the RPC.
- 6. At this stage the RPC has decided to nominate one member across all of the committees. This is seen as a consistent move to ensure a seamless reporting process from both Tangata Whenua and Council, and was confirmed with Rex Graham and James Palmer at an 18 March meeting with the RPC Co-chair and Deputy Co-chair.

Financial and Resource Implications

- 7. The remuneration for tangata whenua representatives' attendance at meetings other than the Regional Planning Committee is currently \$400 per meeting plus associated travel costs, paid upon submission of a Travel Claim form.
- 8. This is considered to be fair and reasonable and is the same remuneration paid to Māori Committee representatives performing the same roles. This per meeting remuneration is in addition to the remuneration paid for the role of tangata whenua Regional Planning Committee member, currently \$13,750 per annum.
- 9. This remuneration is within the budgets provided in the Māori Partnerships cost centre.

Decision Making Process

- 10. 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:
 - 10.1. The decision does not significantly alter the service provision or affect a strategic asset.
 - 10.2. The use of the special consultative procedure is not prescribed by legislation.
 - 10.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.

- 10.4. The decision is not inconsistent with an existing policy or plan, and is within Council's purview in accordance with:
 - 10.4.1. LGA s81(1) A local authority must (a) establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority, and
 - 10.4.2. (b) consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority.
- 10.5. 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 Hawke's Bay Regional Council:

- 1. Receives and considers the "Regional Planning Committee Tangata Whenua Representation on Council's Committees" 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 Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.
- 3. Confirms the appointment of Apiata Tapine as the Regional Planning Committee representative on the:
 - 3.1. Environment and Integrated Catchments Committee
 - 3.2. Corporate and Strategic Committee
 - 3.3. Hearings Committee
 - 3.4. Climate Change working party
 - 3.5. Regional Council, with full speaking rights but no voting rights.
- 4. Confirms that the remuneration to be paid for attendance at Regional Council and Committee meetings is \$400 per meeting plus associated travel cost reimbursement, to be paid upon approval of an eligible Travel Claim Form submitted by the tangata whenua representative.

Authored by:

Leeanne Hooper GOVERNANCE LEAD

Approved by:

Joanne Lawrence GROUP MANAGER OFFICE OF THE CHIEF EXECUTIVE AND CHAIR

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 15 April 2020

Subject: IMPLICATIONS OF ALERT LEVEL 3 ON TANK NOTIFICATION

1. This item seeks Council's further consideration of the notification date for TANK Plan Change 9, and a decision on whether to proceed to notify the plan change on 2 May.

Officers' Recommendation(s)

- 2. Whilst there has been no further national direction as to whether the Alert Level 4 restrictions will be extended, Council officers recommend that Council considers whether the notification of TANK Plan Change 9 on 2 May 2020 is appropriate.
- 3. Direction from Council as to whether to notify the plan on the 2 May would enable staff to initiate the consultation process, should this be considered the appropriate approach. Staff have indicated that an appropriate lead-in period of two weeks would ensure that the communications around notifying the TANK plan are effective, and that the consultation process is fit for purpose given the current restrictions.

Executive Summary

- 4. This paper presents options to the Council for consideration for notifying the TANK plan, being:
 - 4.1. Agree to proceed with notification on the 2 May, as agreed at the 25 March Council meeting on the 25 March, with a 9 week submission period, or
 - 4.2. Agree to notify the Proposed TANK Plan two weeks following Hawke's Bay being reduced to Alert Level 3 within which staff will make a further recommendation about the appropriate notification period and process, or
 - 4.3. Agree to delay notification of the TANK plan to an alternative and specified date.

Background/Discussion

- 5. The RPC and Regional Council resolved to notify the Proposed TANK Plan Change 9 on 28 March. The Plan was to be notified on 28 March for a period of 42 working days (to the end of May).
- 6. The Council received a paper at its meeting on the 25 March titled 'TANK Notification Delay Options'. The paper highlighted that national direction to manage the spread of COVID-19 had intensified and that this would have a significant impact on the community. The governments restrictions would materially impact how people could interact and the level and quality of the engagement during this notification process.
- 7. Three options for notification were presented to the Council.
- 8. The Council resolved to defer notification of the Proposed TANK Plan Change to the 2 May 2020 with a 9 week submission period because of the impact of the COVID -19 management. Given the unknown nature of the COVID-19 pandemic on the region it was also agreed that this date was subject to confirmation by Council closer to 2 May.
- 9. Whilst there has been no further direction at a national level as to whether the 'lockdown' will be extended or not, it is appropriate for Council to consider what implications may arise should the Alert Level be scaled back from Alert Level 4 to Alert Level 3, in particular on the notification of the TANK plan, the impacts of this on the community, and to consider whether the notification of the Plan on the 2 May is still appropriate .
- 10. It should be noted that a number of assumptions have been made in preparing this paper. Staff have relied on the best information to hand at the time the paper was written.

Options Assessment

- 11. At present the Level 4 'lock-down' is scheduled to cease as of midnight Wednesday 22 April, the assumption being that the Alert Level would reduce to Level 3 as opposed to being lifted entirely.
- 12. A lifting of restrictions will enable some level of more nuanced engagement, particularly with iwi, where kanohi ki te kanohi (face-to-face) communication is valued. However there will still be significant changes to how we manage this process. As noted in the paper to Council on the 25 March the communication plan has been amended to adopt a new style of engagement, in practical terms, this would enable staff to notify the plan on the 2 May and utilise non-contact engagement measures, including virtual meetings and social media.
- 13. At Alert Level 3 the following restrictions, as set by Government, would be expected to be adhered to.

ALERT LEVEL THREE: RESTRICT Heightened risk that disease not contained

- Travel in areas of community transmission limited
- Affected educational facilities closed
- Mass gatherings cancelled
- Public venues closed
- Alternative ways of working

required and some non-essential businesses closed

- Non-face-to-face primary care consultations
- Elective surgeries and procedures deferred and healthcare staff reprioritised
- 14. The critical limitations of this Alert Level to notifying the TANK plan would be the restrictions on mass gatherings, closure of public venues and alternative ways of working.

Mass gatherings and closure of public venues

- 15. Mass gatherings were initially considered to be a group of 500 people, however this was later reduced to a group of 100 or more. Whilst there would be alternative non-contact engagement methods available it could affect the ability of people to debate the plan provisions and enable them to prepare fully informed submissions.
- 16. A further consideration would be the perceived risk associated with hui, meetings and face to face consultation. There is likely to be general reluctance from tangata whenua and the community to meet in large groups, as the fear of outbreak and risk associated with face to face meetings has the potential to be high.

Alternative Ways of Working

- 17. Whilst it is evident that there is a high percentage of the workforce remaining in active employment during this Level 4 period the style of working has changed significantly. This trend of working from home and in isolation can be expected to continue for many businesses and organisations at Alert Level 3.
- 18. There has been greater demands and pressures placed on the primary sector arising from alternative ways of working. They are being challenged with staffing issues with social distancing and displacement of the migrant workforce.
- 19. HBRC staff can engage with many of the relevant stakeholders who continue to work from home. Engagement with the wider public may be less effective than 'normal' as there are fewer opportunities for meetings and there would be greater reliance on social and other on-line media. The way we need to work in the COVID-19 environment has meant a huge disruption, and we are still coming to terms with that. But ways of

communication are still developing and the options available to us for virtual communications is changing rapidly and becoming the 'new normal' for most.

20. That being said, alternative ways of working does have implications on the TANK notification and consultation in that those within the primary sector particularly (who are most likely to be impacted by the plan) may not be able to engage at a level that they would like under normal circumstances. This is likely to also be the case for other sectors of the community. It can be anticipated that all essential services will continue to be under pressures and constraints, with the delivery of essential services remaining a priority.

Considerations of Tangata Whenua

21. As noted at the previous Council meeting Alert Level 3 restriction would still have an impact on the ability for tangata whenua to discuss and debate the content of the TANK plan. Maori traditionally discuss such important matter kanohi ki te kanohi (face to face). It is unclear whether hui could be held at marae (further clarification needs to be sought to determine whether marae would be considered a public venue). As with any mass gathering the numbers would be restricted to less than 100 people, should it be permissible to hold hui at marae.

Other Considerations

- 22. There are a number of other factors to consider when determining whether it remains appropriate for the TANK plan to be notified on 2 May. Primarily it is the huge disruption caused by this lockdown on the social and economic well-being of the community.
 - 22.1. The impact of the COVID-19 lockdown on businesses has been significant, is variable across the different sectors and will be on-going for an indeterminate length of time. It impacts are felt not only in the short-term and on this notification step of the Plan Change process, but the plan's content is also likely to impact somewhat differently than modelled. Progressing with the TANK plan change will be challenging, but provides an element of 'normality' providing a future and gives support to the reality that life is still going on.
 - 22.2. There has been no significant shift from government with regards to the planned work programme for Essential Freshwater and we anticipate that this will still be delivered later this year. It is unclear what form this will take in response to COVID-19 impacts, or what this will mean for the region. These are unprecedented times and the ramifications of COVID-19 on our community and economy are unknown.
 - 22.3. There has been mention within the media that we should brace ourselves for a 'second wave' of the virus (the suggestion is this could hit around August in the 'flu season'). If this were the case then there is an argument that we should look to progress the plan (and other 'business as usual') as much as possible. We are already facing a highly changing state and to further delay progress is not helpful in the longer term. There is security in progressing the TANK plan for consent holders and water users. Longer submission periods and more technology based consultation/engagement methods will help with the adjustments necessary.
 - 22.4. HBRC staff resources have largely been diverted to Civil Defence Emergency Management during these first few weeks of COVID-19 response. It cannot be assumed that the CDEM demands will be scaled back if there is on-going impact from COVID-19 management. The diversion of staff resources from business as usual will need to be carefully managed. Should Council determine that the plan should be notified on 2 May some staff would not be available to then be re-deployed to CDEM duties. It should be noted that from the Policy and Planning notification of the TANK Plan would require one FTE and partial support staffing from the Marketing and Communications team.
 - 22.5. Staff previously suggested an increase of the submission period to 9 weeks which was approved by Council. If the future is more challenging than we anticipate then there is an option to extend that submission period if necessary (for example the

Environment Court has recently allowed for an extension for appeals on the Marlborough Plan as a result of COVID-19 management).

- 22.6. Council may be seen as 'blinkered' or insensitive if it does not adequately account for the impact of COVID-19 management on communities and businesses. Whilst not as dramatically impacted by drought and TB as Central Hawke's Bay we need to be cognisant of the effects these events are having on the wider rural community, in addition to the impact of COVID-19. There are high levels of stress and anxiety within the community that needs to be managed sensitively. Whilst no direct research has been undertaken to determine what impact notification of the TANK plan would have on the rural community it is something that the Council should be mindful of.
- 22.7. At present the identification of those who are considered "essential services" dictates who can get out. This may be re-defined at Alert Level 3, however the assumption is that those who are essential workers are unlikely to be less busy as a consequence of the Alert Level being scaled down.
- 23. If the Council were to persist with notification of the TANK plan on 2 May there remains the option to reconsider this closer to the date, either at one of the weekly Council meetings while we are still at Alert Level 4 or at the next regular Council meeting scheduled for 29 April.
- 24. Three options are presented to the Council within the recommendations below, these are:
 - 24.1. Agree to proceed with notification on 2 May, as agreed at the Council meeting on 25 March, with a 9 week submission period, or
 - 25. Agree to notify the Proposed TANK Plan two weeks following Hawke's Bay being reduced to Alert Level 3 within which staff will make a further recommendation about the appropriate notification period and process; or
 - 26. Agree to delay notification of the TANK plan to an alternative and specified date.
- 27. Given that the date for the moving to Alert Level 3 is uncertain the second option has been provided to accommodate this uncertainty, this still allows a two week lead in for staff to undertake final preparations for the communications.
- 28. On the assumption that Council proceed with notification on 2 May and no alternative date is suggested in the interim then the TANK plan notification process will resume. The communications and engagement plan will be initiated as amended in response to COVID-19.

Financial and Resource Implications

- 29. There have been some financial implications for the deferral of notifying the TANK plan, in terms of amending dates on communications and publications, however these are considered to be reasonably insignificant given the wider economic impact of COVID-19 on the community.
- 30. As noted above there are staff resourcing considerations should Council proceed with TANK notification, as this resource would be temporarily diverted from CDEM functions.

Decision Making Process

- 31. 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:
 - 31.1. The decision does not significantly alter the service provision or affect a strategic asset.
 - 31.2. The use of the special consultative procedure is not prescribed by legislation.
 - 31.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.

- 31.4. The decision is not inconsistent with an existing policy or plan.
- 31.5. 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 Hawke's Bay Regional Council:

- 1. Receives and considers the "Implications of Alert Level 3 on TANK Notification" staff report.
- 2. Agrees to:
 - 2.1 proceed with notification on 2 May 2020, as agreed at the 25 March 2020 Council meeting, with a 9 week submission period

OR

2.2 notify the Proposed TANK Plan two weeks following Hawke's Bay being reduced to Alert Level 3 at which time staff will make a further recommendation about the appropriate notification period and process

OR

2.3 delay notification of the TANK plan to an alternative and specified date.

Authored by:

Ceri Edmonds MANAGER POLICY AND PLANNING Mary-Anne Baker SENIOR PLANNER

Approved by:

Tom Skerman GROUP MANAGER STRATEGIC PLANNING

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 15 April 2020

Subject: CLIMATE CHANGE WORKING GROUP UPDATE

Reason for Report

1. This report provides a brief report back on preliminary discussions amongst the climate change working group.

Executive Summary

- 2. The Working Group has met on one occasion to date (16 March). Discussions traversed a range of matters. There are two key dimensions to the work adaptation to, <u>and</u> mitigation of, climate change. Both are essential. There are also two key focus areas:
 - 2.1. Hawke's Bay Regional Council as an organisation; and
 - 2.2. Hawke's Bay as a region.
- The working group has prioritised several matters that warrant progress sooner rather than later, bearing in mind the modest budgets currently available for work in the 2020-21 financial year. But importantly, these matters were prioritised before the COVID-19 lockdown period.
- 4. Due to staffing commitments to the COVID-19 and drought response effort, the pace of progress on this project has slowed considerably since the working group's initial meeting.

Background

- 5. At its meeting on 5 February 2020, the Committee had agreed to form an interim climate change working group. The working group is to assist staff in shaping a regionally coordinated programme for responding to climate change. Councillors Rick Barker, Hinewai Ormsby and Martin Williams are group members. The Māori Committee had nominated Michelle McIllroy and Dr Roger Maaka to join the group. After the working group's first meeting, tāngata whenua members of the Regional Planning Committee nominated Apiata Tapine to also join the group.
- 6. The working group met with key HBRC staff on Monday, 16 March for a semi-structured discussion on relative priorities and other suggestions arising from the Committee's discussions in February.

Discussion

- 7. The working group's preliminary discussions focused on two areas:
 - 7.1. HBRC as an organisation undertaking corporate business activities and activities relating to mitigation of, and adaptation to, climate change
 - 7.2. Hawke's Bay as a region, with wide ranging community interests and capabilities to take action responding to climate change.

HBRC as an organisation

- 8. As an organisation, HBRC must lead by good example and continue to drive reductions in its own direct emissions, energy consumption, and waste etc.
- 9. Further to that, we should begin with a 'stocktake' of existing and planned actions as to both adaptation and mitigation. Earlier staff briefing papers to this Committee have documented several iterations of the actions HBRC has underway or planned that directly and indirectly relate to climate change.
- 10. From there, evaluate 'gaps' in HBRC's actions compared to other regions. This can help build a more complete picture of potential initiatives and their relative cost-effectiveness. The stocktake and gap assessment can be completed by staff.

- 11. In parallel to that work, we would complete a fulsome assessment of HBRC's own carbon footprint. That would provide us with better understanding of HBRC's current baseline and to target further ongoing improvements in its own corporate operations such as energy use, waste reduction, travel and procurement policies. A comprehensive carbon footprint assessment requires specialist external consultants.
- 12. While we may aspire to do lots of things with many other agencies and groups, limited budgets for remainder of 2019-20 and 2020-21 financial years pose tight fiscal constraints. Nevertheless, we will look for opportunities with partner agencies to leverage co-resourcing of some initiatives where relevant.
- 13. The 2021-31 LTP presents an opportunity to further boost priority and associated resourcing of a regionally coordinated programme of climate change response actions. In the meantime, our focus ought to be on developing community awareness and changing behaviours through various media, publicity and communication-related initiatives.

Hawke's Bay as a region

- 14. At a regional level, we need to understand our region's current carbon emissions profile if we are serious about a time bound net carbon zero target. A regional inventory of the emissions profile will paint a 'snapshot' picture of where we are today, so we're better informed of pathways to our region becoming carbon neutral in a few decades. This is key to understanding the policy priorities and settings for any interventions and support. Based on similar inventories done by other regions, this work can be done by specialist consultants (estimates are around \$50,000).
- 15. Commissioning a climate change community perceptions survey (phone/mail/digital) will also provide insights beyond what was the 2019 HBRC Residents Perception Survey.
- 16. HBRC alone cannot 'fix' climate change or make our region carbon-neutral. HBRC must lead work with others to strengthen local community messages about efforts to mitigate human-induced effects of climate change. There are already a variety of agencies, organisations and businesses doing really valuable work showing what can be done. To this end, a number of suggestions were made during the working group's meeting about communications and messaging for community engagement so HBRC does not duplicate others' work.

Preliminary Priorities

- 17. The following are three of the 'big ticket item' priorities for 2020 arising from the working group's initial discussion. These are being presented to the Committee for information update purposes at this time.
 - 17.1. Build a 'stocktake' of existing and planned actions as to both adaptation and mitigation, then a 'gaps' assessment of those actions compared to other regions
 - 17.2. Undertake a regional inventory of greenhouse gas emissions in Hawke's Bay¹ as a present day 'snapshot,' yet repeatable at regular intervals in future years
 - 17.3. Undertake a community survey of HB residents' climate change perceptions etc.
- 18. The three big-ticket priorities for 2020 above can be readily augmented by a variety of smaller-scale initiatives which can be progressed within existing staff capacity. Some examples of these include:
 - 18.1. refreshing webpage content
 - 18.2. developing a collection of short videos profiling examples of what individuals can do themselves to reduce their own carbon footprints
 - 18.3. developing closer ties with other councils in the region to better align climate change-related actions and activities

¹ We know there are national inventories but they are not fit for local/regional inventory purposes. Many of those inventories are on a sector-by-sector basis and have been used by Central Government for negotiating international agreements.

18.4. further reducing energy use and waste disposal across HBRC's buildings and facilities.

COVID-19 and next steps

- 19. COVID-19 poses some challenges for immediate term and an indefinite time period. For example, limits on public gatherings, meetings, workshops, conferences etc.
- 20. COVID-19 is disrupting many of the day-to-day activities of businesses and people. Commissioning new research work, developing digital tools, media packs or making general contact with people is no longer simply as it used to be.
- 21. COVID-19 also presents some opportunities for lessons and behaviours to transfer across to climate change response, e.g. increased use of virtual meetings in lieu of travel for in-person meetings. This may also be a good time to develop the stocktake, inventory and preliminary thinking on the future policy options ahead of 2021-31 LTP preparation. However, many of the project's key staff are likely to continue assisting with the CDEM Group's response to the COVID19 and drought. That ongoing involvement will certainly influence the pace and degree of progress that key staff can make on this project over at least the April/May period.

Decision Making Process

22. 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 Hawke's Bay Regional Council receives and notes the *"Climate Change Working Group Update"* report.

Authored by:

Gavin Ide PRINCIPAL ADVISOR STRATEGIC PLANNING

Approved by:

Tom Skerman GROUP MANAGER STRATEGIC PLANNING

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 15 April 2020

Subject: HAWKE'S BAY SUMMER 2019-20

Reason for Report

1. Drought conditions developed in Hawke's Bay and across the North Island during summer 2019-20, leading to the declaration of a "large scale adverse event" by the Agriculture Minister Damien O'Connor on 12 March 2020. This paper places the rainfall, river flows, groundwater levels and soil moisture levels of summer 2019-20 in an historical context and describes how the dry conditions evolved.

Executive Summary

- 2. Hawke's Bay had below normal rainfall, above average temperatures and relatively high rates of potential evapotranspiration from November 2019 to February 2020. In comparison to the 2012-13 drought, the lack of rainfall in 2019-20 was not as evenly felt across the region or in places as severe. However, areas that were worse affected were the Ruahine Range, Ruataniwha Plains and Southern Hawke's Bay.
- 3. River flows have generally tracked below normal this summer. Northern parts of Hawke's Bay did not experience extreme low flows. Ngaruroro River experienced levels comparable to the 2012-13 drought. The Tukituki River recorded the lowest mean flows on record.
- 4. This pattern was reflected in the groundwater levels, with the Ruataniwha basin (in the Tukituki catchment) having the highest proportion of monitoring wells at their lowest recorded water levels.
- 5. The weather pattern in 2019-20 featured higher than normal mean sea level pressure to the northwest and east of New Zealand and lower than normal pressure to the southwest. A relatively deep, warm and stable layer of air over the North Island meant that active systems approaching from the southwest weakened as they moved north. Above average sea temperatures contributed to the hot weather and high evaporation rates.
- 6. The El Niño-Southern Oscillation was in a neutral phase through summer and is expected to remain that way through the coming autumn and winter. The pattern of weather predicted by the seasonal models in past months does not appear to change significantly in the months ahead. Near normal mean sea level pressure and rainfall and above average temperatures was the common forecast for summer and the models continue with that prediction for the coming few months.

Background

- 7. Prior to summer 2019-20, the most recent drought experienced in Hawke's Bay was in the summer of 2012-13. The 2012-13 drought affected much of the North Island and was declared a medium scale adverse event on 15 March 2013 by the Minister for Primary Industries. With respect to different parts of Hawke's Bay, NIWA assessed the 2012-13 drought as either the worst in 40 years or second only to 1997-98. The summer weather was dominated by "blocking" high pressure systems which prevented rain-bearing fronts from moving over New Zealand¹.
- 8. Following the 2012-13 drought, NIWA developed a New Zealand Drought Index (NZDI) based on four common indices of climatological drought. Throughout summer 2019-20 the NZDI typically categorised Hawke's Bay as very dry or extremely dry, with parts of the region in drought or severe drought. Drought or severe drought levels were largely along the western ranges, particularly the Ruahine Range and adjacent hill country and surrounds.

Discussion

Rainfall and Potential Evapotranspiration

- 9. The 2019-20 drought began its development in November and followed a wetter than average early spring. November was not only a month of below normal rainfall, but temperatures were very hot. Daytime temperatures reached 3°C above the monthly average and the average potential evapotranspiration (PET) rate for the month was the highest recorded on the Ruataniwha Plains for November since monitoring began in 2007. PET is the amount of moisture that would be lost by evaporation and transpiration from a reference crop, such as grassland, if sufficient moisture is available.
- 10. Both December and January had below normal rainfall and temperatures between 0.5 -1°C warmer than average. The dry conditions that developed during late spring and into summer rapidly worsened in February when all, but northern areas of the region received approximately 10% of normal February rainfall. Temperatures were again very hot and reached 3°C above the February average, resulting in high but not record rates of PET.
- 11. Table 1 shows the percentage of average rainfall received in different parts of the region from November to February inclusive and compares it to 2012-13. Most of the region shared similar and more severe levels of below normal rainfall in 2012-13 than in 2019-20 except for the Ruahine Range, the Ruataniwha Plains and Southern Hawke's Bay.

Area	2012-13 % Average Nov- Feb Rainfall	2019-20 % Average Nov- Feb Rainfall
Waikaremoana	53	71
Northern Hawke's Bay	59	64
Tangoio	52	52
Kaweka	50	53
Ruahine	64	39
Heretaunga Plains	34	42
Ruataniwha Plains	53	41
Southern Hawke's Bay	52	42
Hawke's Bay Region	51	51

Table 1: November to February rainfall totals for 2012-13 and 2019-20 for different parts of Hawke's Bay as a percentage of average November to February rainfall totals. Areas where the dry conditions appear worse in 2019-20 than in 2012-13 are highlighted in red.

- 12. The November to February rainfall totals in the Ruahine Range and Ongaonga were the lowest recorded in the past 50-60 years, surpassing those of 1997-98 and 2012-13.
- 13. Much of Hawke's Bay is considered "summer dry", i.e. PET exceeds the amount of rainfall typically received. The difference between rainfall and PET can be used to gauge the magnitude of dry conditions. Figure 1 shows cumulative rainfall minus cumulative PET for the hydrological year (July to June) at the Ongaonga Climate site and includes average conditions as well as the 2019-20 and 2012-13 levels. The graph indicates a greater moisture deficit than average for most of the period and greater than that of 2012-13. This is not the case at Bridge Pa on the Heretaunga Plains (Figure 2), where early spring rainfall raised 2019-20 above both average levels and those of 2012-13, before dipping below average in February.



Figure 1: A comparison of average, 2012-13 and 2019-20 levels of cumulative rainfall – PET at Ongaonga Climate station over the hydrological year. Data for 2019-20 is shown up until late March 2020.



Figure 2: A comparison of average, 2012-13 and 2019-20 levels of cumulative rainfall – PET at Bridge Pa Climate station over the hydrological year. Data for 2019-20 is shown up until late March 2020.

Soil moisture

14. The lack of rainfall and high rates of PET from November to February resulted in soil moisture levels tracking below normal, apart from northern areas where soil moisture followed median levels. For many areas, such as around and south of the Heretaunga Plains and also to the north up to Taharua, soil moisture levels at times dropped into the lowest 10% of readings at individual sites. Levels were comparable to 2012-13 for much of summer, especially on the Ruataniwha Plains where the onset of dry conditions mirrored that of 2012-13 (Figure 3). Elsewhere the onset tended to be delayed by a month by the early spring rain.





Figure 3: Soil moisture levels at Ongaonga Climate Station for 2019-20 compared to median levels and 2012-13. Data for 2019-20 is shown up until late March.

River Flows

- 15. With below normal rainfall in November, river flows began dropping across the Hawkes Bay. The dry, hot summer resulted in average river flows below 25% of their long-term average, particularly in the southern Hawke's Bay. In comparison, 2018-19 was within 75% of the long-term average river flow.
- 16. In the Northern Hawke's Bay, river flows have been below 50% of their long-term average. However, river levels have remained above those seen in the dry season of 2012-13. Hangaroa River dropped throughout the summer months, but has seen a rise in its average level in March due to rain in northern Hawke's Bay during this period. The Esk River has steadily dropped below the normal range through the summer months, reflecting similar river levels to 2012-13. River levels from February to March saw very little change.
- 17. The **Ngaruroro River** dropped below the normal flow range from December onwards, declining significantly through the summer months. February average river levels were the lowest for the month on record (1980-2020). Current data for March shows river levels have remained steady with no further decreases.



Figure 4: River flow levels at Ngaruroro – Fernhill for 2019-20 compared to river levels of 2018-19 and 2012-13. Data for 2019-20 is analysed up until late March.

18. Central Hawke's Bay river levels have been below 25% of the long-term average from November onwards. The Tukituki River dropped to below normal in November to similar drought levels of 2012-2013. River levels continued to drop in the following months with December-March mean flows the lowest on record. However, flow recession has levelled off in March, with the dry season coming to an end.



Figure 5: River flow levels at Tukituki – Red Bridge for 2019-20 compared to river levels of 2018-19 and 2012-13. Data for 2019-20 is analysed up until late March.

 Despite the lower average river flows recorded for 2019-20, compared to 2012-13, the 7-day mean minimum flows recorded are comparable with those recorded in 2012-13 (Table 2). Minimum flows of the Ngaruroro and Tukituki have been similar to those recorded in the 2012-13 drought period and are considerably lower than the 2018-19 minimum flow records.

River	2012-13 Minimum River Flow (I/s)	2018-19 Minimum River Flow (I/s)	2019-20 Minimum River Flow (I/s)
Northern Hawkes Bay – Hangaroa River	284	866	594
Esk Central Coast – Esk River	1669	2918	1816
Heretaunga Plains – Ngaruroro River	1330	7089	1514
Central Hawkes Bay – Tukituki River	2888	7003	2774

Table 2: Minimum river flows (7-day mean, L/s) so far this year at key sites across the Hawke's Bay region for the hydrologic years; 2012-13, 2018-19, and 2019-20.

Groundwater

- 20. Groundwater levels began their normal seasonal decline in late October and early November 2019. Early spring rainfall, coupled with increased river flows, provided much needed recharge to the Heretaunga and Ruataniwha Plains aquifer systems. This caused groundwater levels to measure near normal for November and December. Since December, below normal conditions became increasingly more prevalent in addition to an increasing number of wells measuring lowest ever monthly measurements.
- 21. Groundwater level conditions for March measured below normal with only 5 wells out of 50, measuring normal or above for the Heretaunga and Ruataniwha Plains (see pie chart following).
- 22. On the Ruataniwha Plains, over 60% of wells measured their lowest-ever levels for March. Here, the less transmissive aquifers, with lower storage properties, experience deeper drawdown impacts and slower recovery in response to water use. In contrast, on the Heretaunga Plains, aquifers are highly transmissive with strong surface-water connections resulting in shallow and widespread drawdown impacts despite an overall greater volume of pumping than in the Ruataniwha.





Figure 6: Groundwater level conditions for March in the Heretaunga and Ruataniwha Plains. Note: Numbers within the maps represent years of monitoring. Sites less than 5 years are excluded from the analysis.

23. In Ongaonga, groundwater levels are at their lowest-recorded (monitoring started 2004) and measured 42cm lower than the previous annual minimum measured in January 2017. Telemetered data from our new multi-level wells for the Ongaonga and Tikokino indicates groundwater levels in the shallow system are still declining. In the deeper bores, there are indications groundwater levels maybe beginning their normal seasonal rise back toward winter levels. On the Heretaunga Plains, telemetered groundwater levels are beginning to recover.



Figure 7: Telemetry from the Ongaonga wells. Black line represent the shallow well (30m) and the blue line represents the deeper system (90m).

24. The conditions experienced this summer have been, for many wells, the most extreme on record. This means that at many wells' (but not all) groundwater levels are lower than the water levels measured in 2012-2013. The plot below shows that a larger proportion of wells experienced the lowest recorded water levels in 2020, and represents about 20% of the number of our monitoring network.



Figure 8: The number of wells experiencing the lowest water levels recorded, expressed as a percent of the total number of wells monitored that year.

Weather pattern

- 25. The El Niño-Southern Oscillation (ENSO) is a broad-scale climate mode known to influence Hawke's Bay's weather¹. The El Niño and La Niña phases are typically associated with higher and lower risk respectively of a dry Hawke's Bay summer. Neither of these phases were in place for recent droughts and instead neutral ENSO conditions existed for both the 2012-13 and 2019-20 droughts.
- 26. Another climate mode that can play a role in the region's spring weather is the Indian Ocean Dipole (IOD). Positive IOD events increase the probability of a drier than normal Hawke's Bay spring². The IOD was strongly positive during spring 2019 and although the season had a very wet start, the event may have contributed to the onset of dry conditions in late spring and into summer.
- 27. The Southern Annular Mode (SAM) is another climate driver of New Zealand's weather. The SAM index refers to the north-south movement of the mid to high latitude westerly wind belt of the southern hemisphere. During a negative SAM the belt shifts north and westerlies increase over New Zealand while lighter winds and anticyclones are expected in the positive mode. Average monthly values of SAM were mostly negative during the four months, especially during November and December.
- 28. Dominant weather features during the four months of dry conditions included the presence of higher than average mean sea level pressure (MSLP) in a zone extending northwest of New Zealand and to the east (Figure 9). Ridging was also evident in the upper atmosphere indicating a depth of warm, stable air. Lower than average MSLP occurred to the southwest of the country and over the lower South Island. Sea surface temperatures were above average around New Zealand and significantly higher than normal in an area to the east of New Zealand (Figure 10).



Figure 9: Mean sea level pressure anomalies (mb) for November to February 2019-20 inclusive (NCEP/NCAR Reanalysis using the1981-2010 climatology).



Figure 10: Sea surface temperature anomalies (degrees Kelvin) for November to February 2019-20 inclusive (NCEP/NCAR Reanalysis using the1981-2010 climatology).

29. The anticyclones and an upper level ridge, extending from east of New Zealand to the northwest, meant active fronts struggled to make progress over the North Island as they moved onto the country from the low pressure systems to the southwest. More often than not, the fronts weakened considerably as they moved north and delivered very little rain to Hawke's Bay and many parts of the North Island.

30. The sea level pressure pattern and predominantly negative SAM lead to a westerly wind anomaly over Hawke's Bay for the four month period (Figure 11). Tropical cyclones tended to track east of New Zealand or down the western Tasman Sea as they moved southward. The warm sea surface temperatures around and to the east of New Zealand contributed to the warm summer temperatures that were experienced. All of these factors produced a scenario of low rainfall and high rates of PET that particularly affected the southwestern ranges of the region.





Figure 11: Vector wind anomaly (*m*/s) for November to February 2019-20 inclusive (NCEP/NCAR Reanalysis using the1981-2010 climatology).

31. The pattern of weather observed in 2019-20 was different to that in 2012-13. In 2012 /13, higher than normal pressure extended across all of New Zealand and the Tasman Sea (Figure 12). Sea temperatures around the North Island were cooler than in 2019-20 (Figure 13). The dominance of anticyclones brought a prevalence of fine days to much of the country and the cooler sea temperatures reduced the moisture holding capacity of weather systems.



Figure 12: Mean sea level pressure anomalies (mb) for November to February 2012-13 inclusive (NCEP/NCAR Reanalysis using the1981-2010 climatology).



Figure 13: Sea surface temperature anomalies (degrees Kelvin) for November to February 2012-13 inclusive (NCEP/NCAR Reanalysis using the1981-2010 climatology).

Outlook

- 32. ENSO neutral conditions are expected to persist through autumn and winter and possibly into spring.
- 33. The tropical cyclone season continues until the end of April. Therefore a small window remains for an ex-tropical cyclone to reach New Zealand's shores and make a significant difference to drought affected areas.
- 34. Seasonal forecast models typically predicted near normal mean sea level pressure, near normal rainfall and above average temperatures for summer. Their outlook for the next few months has similar predictions and a relatively unchanged weather pattern.

¹Porteous, A. and Mullan, B., 2013. The 2012-13 drought: an assessment and historical perspective. NIWA Client Report No. WLG2013-27.

²Fedaeff, N. and Fauchereau, N. 2015. Relationship between Climate Modes and Hawke's Bay Seasonal Rainfall and Temperature. NIWA Client Report No. AKL2015-016.

Next Steps

35. An update is expected to be provided if this paper is presented to Council, to provide recent information if the situation has changed since this report was finalised.

Decision Making Process

36. 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 Hawke's Bay Regional Council receives and notes the *"Hawke's Bay Summer 2019-20"* staff report.

Item 7

Authored by:

Simon Harper SENIOR SCIENTIST

Dr Jeff Smith MANAGER SCIENTIST Dr Kathleen Kozyniak PRINCIPAL SCIENTIST (AIR)

Thomas Wilding TEAM LEADER HYDROLOGY HYDROGEOLOGY

Approved by:

Iain Maxwell GROUP MANAGER INTEGRATED CATCHMENT MANAGEMENT

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 15 April 2020

Subject: SELECT COMMITTEE REPORT ON THE RESOURCE MANAGEMENT AMENDMENT BILL

Reason for Report

1. This item is to provide Council with an update on the Select Committee Report to the Resource Management Amendment Bill.

Executive Summary

- 2. The Environment Select Committee released their report on the Resource Management Amendment Bill on 30 March 2020.
- 3. The report recommends general adjustments to resource management and a new freshwater planning process, and introduces the inclusion of climate change considerations in Resource Management Act 1991 (RMA) decision making.

Background

- 4. The Resource Management Amendment Bill was introduced in September 2019 to:
 - 4.1. reduce complexity in existing RMA processes, increase certainty for participants, and restore previous opportunities for public participation
 - 4.2. improve existing resource management processes and enforcement provisions
 - 4.3. improve freshwater management.
- 5. The Bill would make two notable changes to the existing resource management system:
 - 5.1. new enforcement powers would be given to the Environmental Protection Authority
 - 5.2. a new planning process for freshwater management would be introduced.
- 6. Environment Select Committee have considered the Bill and released their report on 30 March 2020. Their report provides commentary on four key areas where they have recommended amendment to the Bill, these are:
 - 6.1. improvements to general resource management processes
 - 6.2. the Environmental Protection Authority's new enforcement powers
 - 6.3. the new freshwater planning process and related changes
 - 6.4. clarifying the relationship between the RMA and aspects of climate change mitigation.
- 7. It should be noted that whilst staff have reviewed the Report they have yet to review the tracked changes to the Resource Management Bill, or to make any assessment or judgement as to the implications the proposed recommendations will have for Regional Council functions.

Discussion

Improvements to general resource management processes

Item of bill as introduced	Recommendation by Select Committee
enables applicants to suspend the processing of non-notified consent applications for up to 20 working days.	Delay new regime to allow councils time to update their processes and procedures.

Item of bill as introduced	Recommendation by Select Committee
allows councils to exclude such a time period from the statutory time limit, in respect of unpaid fixed charges required when the consent application is lodged or notified.	Delay commencement of these provisions by 3 months to give Councils more time to update their processes and procedures.
would give new powers to the EPA. They would enable the EPA to initiate its own RMA investigations, to assist councils with their RMA investigations, and to intervene in RMA cases to become the lead agency of an investigation and subsequent enforcement actions.	Clarification sought - if the EPA ceases an intervention, a local authority may resume any enforcement action that the local authority had commenced prior to the EPA's intervention.

Freshwater Planning Process

- 8. Regional councils will be required to follow the new freshwater planning process for proposed regional policy statements and regional plans (including changes to them) that contain provisions that give effect to the National Policy Statement for Freshwater Management.
- 9. Brookfields (Lawyers) have provided a useful summary of the Select Committee's key recommendations (much of which is replicated below) concerning the new freshwater planning process. Staff have collated a more detailed table summarising the recommendations in attachment 1.
 - 9.1. Providing clarification as to what constitutes a "freshwater planning instrument" by requiring regional councils to confirm whether the whole or part of an instrument will undergo the freshwater planning process. Any part of an instrument that does not include provisions relating to freshwater management (and therefore not constituting a "freshwater planning instrument") will undergo the standard Part 1, Schedule 1 process (clause 13 of the Bill)
 - 9.2. Widening the matters that could be "called in" by the Minister to include a change or variation to a regional policy statement, or a request for such a change (clauses 28A to 28K of the Bill) (currently matters include resource consent applications, notices of requirement, and council and private plan changes)
 - 9.3. Providing a power for the Chief Freshwater Commissioner to extend various timeframes and providing 40 days (rather than 20) for regional councils to make decisions on panel recommendations (new clauses 46A and 50 added to Schedule 1 by clause 72 of the Bill)
 - 9.4. Adding restrictions to cross-examination including that it should be at the request of a party, and not the default position, and should only occur if the panel is satisfied that cross-examination is necessary in the interests of justice. It is also recommended that the panel may appoint a "friend of submitter" for any submitter (new clauses 46 and 47 added to Schedule 1 by clause 72 of the Bill)
 - 9.5. Allowing councils in making their decisions to develop alternatives outside the scope of submissions and clarifying corresponding appeal rights. In that regard it is noted that, if the rejected recommendation from the panel were within the scope of submissions, the council's decision would also be limited to the scope of submissions (new clauses 51, 54 and 55 added to Schedule 1 by clause 72 of the Bill)
 - 9.6. Changes to the process for variations, including in particular that variations not be limited to errors or omissions (new clause 52 added to Schedule 1 by clause 72 of the Bill)
 - 9.7. Adding matters to be taken into account by the Chief Freshwater Commissioner in appointing panels, such as knowledge and expertise in relation to judicial and RMA processes and tikanga Māori and amending matters in relation to costs and panel remuneration (new clauses 58, 59, 61 and 63 added to Schedule 1 by clause 72 of the Bill).

10. The report notes that section 360(1)(hn) RMA allows regulations to restrict stock from water bodies including prescribing fencing requirements or riparian planting. It recommends that section 360(1)(hn) be extended to allow regulations to exclude stock from the margins of water bodies, estuaries, and coastal lakes and lagoons (clause 70).

The RMA - Relationship with Climate Change Mitigation

- 11. The recommendations introducing climate change considerations are:
 - 11.1. Removing the current statutory barriers to consideration of climate change in RMA decision-making and adding "emissions reductions plans" and "national adaptation plans" to the list of matters that local authorities must have regard to when making and amending regional policy statements, regional plans, and district plans. This would be effective from 31 December 2021 to allow for those plans to be developed under the Climate Change Response (Zero Carbon) Amendment Act 2019 processes (clauses 12C to 12G, 25A and 25B of the Bill).
 - 11.2. This transitional phase would not apply to Boards of Inquiry or the Environment Court where matters are "called in" so that these bodies may take global environmental impacts (including climate change mitigation) into account from the date of the Bill's commencement. The report explains that this is to help ensure that large-scale projects that may have high emissions are not brought forward to take advantage of the delayed commencement of provisions concerning the "emissions reductions plans" and "national adaptation plans".
- 12. The Select Committees report acknowledges that it will be vital to have direction at a national level about how local government should make decisions about climate change mitigation under the RMA. Otherwise, there could be risks of inconsistencies, overlap of regulations between councils and emissions pricing, and litigation.

Next Steps

- 13. The Bill will enter its second reading. At this stage, members of Parliament debate the select committee report and vote on the Bill. If the vote fails, the Bill goes no further. If the vote passes, the Bill will be considered by the Committee of the Whole House, be read (and voted on) a third time and, if successful again, the Bill will be signed by the Governor-General and become an Act.
- 14. No dates for these further steps have been set, and staff will provide updates as and when appropriate.

Decision Making Process

15. 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 Hawke's Bay Regional Council receives and notes the "Select Committee Report on the Resource Management Amendment Bill" staff report.

Authored by:

Approved by:

Ellen Robotham POLICY PLANNER Ceri Edmonds MANAGER POLICY AND PLANNING

Attachment/s

<u>1</u> Freshwater Planning Process

Freshwater Planning Process

Item of bill as introduced	Recommendation by Select Committee
	Provide a definition of 'Freshwater Commissioner'
Freshwater Planning Instrument – as currently defined includes a proposed regional plan or regional policy statement with the purpose of giving effect to the National Policy Statement for Freshwater Management 2020, or otherwise relates to freshwater. It also includes changes or variations to those regional plans and regional policy statements.	Remove reference to the specific 2020 national policy statement, and referring instead to "any national policy statement for freshwater management".
Section 80A(4)(a) would require a regional council to notify the public of the new freshwater planning instrument.	Providing clarification as to what constitutes a "freshwater planning instrument" by requiring regional councils to confirm whether the whole or part of an instrument will undergo the freshwater planning process. Any part of an instrument that does not include provisions relating to freshwater management (and therefore not constituting a "freshwater planning instrument") will undergo the standard Part 1, Schedule 1 process.
	Chief Freshwater Commissioner can extend timeframes a request must be made by the regional council or the chair of a freshwater hearing panel. An extension could be granted more than once, but cumulatively must not be for more than 12 months.
Repeal and replace provisions about the collaborative planning process with provisions about the new freshwater planning process. Clause 37(1) lists the documents that would need to be submitted by the regional council to the Chief Freshwater Commissioner no later than 6 months following public notification of a planning instrument.	Include joint management agreements in this list. We also recommend including a requirement to submit "any other relevant information". Clarity to be provided that a regional council must comply with a requirement by the freshwater hearings panel to provide it with a hearing report.
Clause 39 would set out the functions of freshwater hearings panels. They would include conducting a public hearing of submissions, making recommendations to a regional council after a hearing, and hearing objections from people whose submissions were struck out.	Remove the word "public" from function (a). However, we note that this would not change the public nature of the hearing of submissions.
submissions were struck out. Clause 40 sets out the powers of freshwater	Propose that there should be restrictions added to
hearings panels, including allowing a freshwater bearings panel (at a bearing of submissions) to:	cross-examination:
 permit a party to question any other party or witness 	 claimying that cross-examination should be at the request of a party, and would not be the default position.
 permit cross-examination. 	 should only be permitted by the panel if it is satisfied cross-examination is necessary in the interests of justice.
	It should be made clear that the panel may:
	prohibit cross-examination
	 regulate the conduct of any cross-examination. The panel should be able to appoint a "friend of submitter" for the purpose of providing support to the submitter in relation to the hearings.
	Chairperson of a freshwater hearings panel should be able to convene a pre-hearing meeting to clarify an issue or matter, facilitate the resolution of an issue or matter, or deal with an administrative or procedural matter.

Item of bill as introduced	Recommendation by Select Committee
Clause 42 - if a submitter did not attend a pre- hearing meeting (without a reasonable excuse). The panel could decline to consider the person's submission. It would limit the person's appeal rights, although the person could make an objection.	This provision is too onerous in light of the problem it is trying to remedy. Recommend it is deleted.
Clause 43 would enable a panel to convene a conference of experts during a hearing to clarify or facilitate resolution of a matter or issue.	 Improvements: The panel may authorise an expert to represent the relevant regional council. The attendees of the conference should provide a report on the outcomes of the conference, and provide it direct to the panel. If the conference requires a facilitator, the panel should appoint an independent facilitator (who is not a panel member).
Clause 45 would enable a freshwater hearings panel to commission certain reports from a relevant council, consultant, or any other person "at any time during a hearing".	It would be beneficial to enable freshwater hearings panels to also commission reports before a hearing. This could allow more time to prepare reports.
Clause 46 would enable the chairperson of a freshwater hearings panel to appoint a special advisor to assist the panel in any hearing.	Clarification - a special advisor appointed by the panel's chairperson is not a member of the panel, but can assist the panel in any hearing.
Clause 47(2) provides that certain provisions of the Local Government Official Information and Meetings Act 1987 would apply to the freshwater hearings panels.	Delete Clause 47(2) and making a consequential amendment to the Local Government Official Information and Meetings Act.
Clause 48 Part 4 of Schedule 1 specifies what freshwater hearings panels would need to do when making recommendations – recommendations would not be limited to matters contained in the submissions. Clause 49 states the matters that a freshwater hearings panel would need to have regard to.	 In addition to the matters listed, a panel should also: take into account any reported outcomes from alternative dispute resolution have regard to any advice received from a special advisor under new clause 46.
Clause 50 would require a freshwater hearings panel to provide its recommendations (made under new clause 48) at least 20 working days before the expiry of 2 years after the date the freshwater planning instrument was notified, on the basis that regional councils would have 20 working days to make decisions about the recommendations.	Propose to give regional councils 40 working days to make decisions
Clause 51(1)(b) would require that where the council rejected a recommendation (where it is outside scope of submissions), it must develop an alternative that is within the scope of submissions.	Allow a council to develop an alternative outside the scope of submissions in such a scenario. If a rejected recommendation was within the scope of submissions, council would be limited to alternatives within the scope of submissions.
	It a council is rejecting a recommendation and adopting an alternative solution, an assessment of that solution should be provided in the further evaluation report required under section 32AA.
Clause 51(4) would require the regional council to publicly notify its decisions about the recommendations within 20 working days of getting the panel's report.	 change to 40 working days notify the availability of the panel's report, the council's decisions, and where can be viewed
are berrara rabara	 from the date the council's decision was publicly notified, the freshwater planning instrument amended in accordance with the council's decision.

Item of bill as introduced	Recommendation by Select Committee
Clause 52 would enable a regional council to seek a	Propose some changes to the process for variations:
variation to the freshwater planning instrument if it were to identify an error or omission.	 scope of variations should not be limited to errors or omissions,
	 Chief Freshwater Commissioner should consult the hearings panel before determining whether to accept a variation.
Appeals on merit could be made to the Environment Court (clause 54), and appeals on questions of law	Clarify there would be no avenue of appeal to the Supreme Court.
could be made to the High Court (new clause 55).	Insert new clause to clarify that a submitter could appeal to the Environment Court if a council decided to reject a recommendation of a freshwater panel that was outside the scope of submissions.
Submitter could appeal to the High Court about a provision or matter relating to the freshwater planning instrument, if it had been addressed in their submission. The appeal must relate to a provision or matter in relation to which the regional council accepted a recommendation of the panel.	Clarifying that a submitter could appeal to the High Court about a matter that was not in their submission but was the result of a council accepting a recommendation that is outside the scope of submissions.
Clause 57 specify the powers and functions of the Chief Freshwater Commissioner, in relation to	Enable the Chief Freshwater Commissioner to split freshwater hearings panels into two panels
freshwater hearings panels	New powers for Chief Freshwater Commissioner:
	 remove a member from a panel at any time for just cause
	 appoint new members to the panel.
 New clause 58 would specify the composition of freshwater hearings panels. Panel would consist of 5 members: 2 freshwater commissioners appointed by the Minister; 	Chief Freshwater Commissioner could appoint more than 5 members if they considered there were "special", rather than "unique" circumstances. Chief Freshwater Commissioner to consider the need for the panel to have collective knowledge and eventuation in solution to:
 2 members nominated by the relevant regional council; and 	iudicial processes and cross-examination
 1 member with an understanding of tikanga Māori 	freshwater quality, quantity, and ecology
and matauranga Maori who is nominated by local	the Resource Management Act
tangata whenua.	 tikanga Māori and mātauranga Māori
	te Mana o te Wai
	 water use in the local community
	 subject areas likely to be relevant to the work of the panel.
Clause 61 - the funding for freshwater hearings is the responsibility of the relevant regional council.	Friend of submitter cost met by the relevant regional council.
The costs would include remuneration and expenses of panel members and any experts appointed by the panel, and administrative costs of hearings.	Remuneration of hearings panels should be set by the Minister, rather than by the Chief Freshwater Commissioner or expressly under the bill. Exception - local council members who are appointed to a freshwater hearings panel should be
	paid at a rate determined by the relevant council.
The Minister for the Environment may "call in" matters relating to those proposals if the Minister considers it a proposal of national significance. Those matters would be referred for decision by a board of inquiry or the Environment Court.	Widening the matters that could be called in by the Minister to include a change or variation to a regional policy statement, or a request for such a change.

- Composition of freshwater hearings panels must include collective knowledge of judicial processes and X-examination, freshwater quality, quantity and ecology, RMA, tikanga Maori and mātauranga Maori, te mana o te wai, water use in local community, relevant subject areas.
 - · Broadening matters that Minister my 'call-in' regarding an RPS.
 - · Can exclude stock from margins as well as waterbodies.

Climate Change

- Council's to consider emissions reduction plans, national adaption plans when making/amending RPS, RP and DP. Remove restriction from s70A and s104E. Delayed commencement for these changes, of 31 December 2021, to ensure there is sufficient time to make the policy arrangements. This date would also align with the deadline for the first emissions reduction plan.
- A board of inquiry or the Environment Court should be able to take global environmental
 impacts (including climate change mitigation) into account from the date of the bill's
 commencement, rather than 31 December 2021. When an emissions reduction plan and
 national direction are gazetted, they could then also be taken into account. This would help
 to ensure that large-scale projects that may have high emissions are not brought forward to
 take advantage of the delayed commencement referred to above.