



Meeting of the Regional Planning Committee

Date: Wednesday 14 October 2020
Time: 10.00am
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Agenda

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Parking

There will be named parking spaces for Tangata Whenua Members in the HBRC car park – entry off Vautier Street.

Regional Planning Committee Members

Name	Represents
Karauna Brown	Te Kopere o te Iwi Hineuru
Tania Hopmans	Maungaharuru-Tangitu Trust
Tania Huata	Ngati Pahauwera Development and Tiaki Trusts
Nicky Kirikiri	Te Toi Kura o Waikaremoana
Joinella Maihi-Carroll	Mana Ahuriri Trust
Mike Mohi	Ngati Tuwharetoa Hapu Forum
Liz Munroe	Heretaunga Tamatea Settlement Trust
Peter Paku	Heretaunga Tamatea Settlement Trust
Apiata Tapine	Tātau Tātau o Te Wairoa
Rick Barker	Hawke's Bay Regional Council
Will Foley	Hawke's Bay Regional Council
Craig Foss	Hawke's Bay Regional Council
Rex Graham	Hawke's Bay Regional Council
Neil Kirton	Hawke's Bay Regional Council
Charles Lambert	Hawke's Bay Regional Council
Hinewai Ormsby	Hawke's Bay Regional Council
Martin Williams	Hawke's Bay Regional Council
Jerf van Beek	Hawke's Bay Regional Council

Total number of members = 18

Quorum and Voting Entitlements Under the Current Terms of Reference

Quorum (clause (i))

The Quorum for the Regional Planning Committee is 75% of the members of the Committee

At the present time, the quorum is 14 members (physically or 'virtually' present).

Voting Entitlement (clause (j))

Best endeavours will be made to achieve decisions on a consensus basis, or failing consensus, the agreement of 80% of the Committee members present and voting will be required. Where voting is required all members of the Committee have full speaking rights and voting entitlements.

Number of Committee members present	Number required for 80% support
18	14
17	14
16	13
15	12
14	11

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 14 October 2020

Subject: FOLLOW-UPS FROM PREVIOUS REGIONAL PLANNING COMMITTEE MEETINGS

Item 4

Reason for Report

1. On the list **attached** are items raised at Regional Planning Committee meetings that staff have followed up. All items indicate who is responsible for follow up, and a brief status comment. Once the items have been reported to the Committee they will be removed from the list.

Decision Making Process

2. 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 the Regional Planning Committee receives the report "*Follow-up Items from Previous Meetings*".

Authored by:

Leeanne Hooper
GOVERNANCE LEAD

Approved by:

James Palmer
CHIEF EXECUTIVE

Attachment/s

[1](#) Followups for October 2020 RPC meeting

Follow-ups from Previous Regional Planning Committee Meetings

Meeting on 19 August 2020

ref	Agenda Item	Action	Responsible	Status Comment
1	Outdoor Burning	Invite industry parties to work with HBRC to further investigate non-regulatory methods to understand the health effects of discharging contaminants into the air	Compliance	Not yet commenced, joint programme of work to be scoped and prioritised by science and compliance before next Burning season. Topic to be discussed at our next meeting with the Hort sector due to be held in November.
2	Outdoor Burning	Report back to RPC later in 2020 on details of a process to update provisions relating to outdoor burning issues through the RRMP review	B Harper	Not yet commenced.
3	Tukituki Plan Change 6A	Make provision in Year 1 of the 2021-31 Long Term Plan 2021-2031 to develop a long term solution to nitrogen management through the RRMP review	C Edmonds	Not yet commenced. To be included in the programme for the RRMP review
4	Recommendations to Hawke's Bay Regional Council	<p>Outdoor Burning</p> <ol style="list-style-type: none"> Notes that there will be legal, administrative and resourcing costs associated with all options, and that no specific budget has been assigned in the 2020-21 Annual Plan for this project. Agrees that the issue of outdoor burning restrictions will be addressed as part of the HB RRMP review scheduled to commence in 2021. Directs staff to report back to the RPC later in 2020 on details of the process to be undertaken to address outdoor burning issues through the HB RRMP review. <p>TANK Plan Change Hearing Commissioners and Panel Appointments</p> <ol style="list-style-type: none"> For the Proposed TANK Plan hearings, appoints: <ul style="list-style-type: none"> Andrew Fenemore, Greg Ryder, Rauru Kirikiri, Dr Roger Maaka, & Sheena Tepania For the Proposed TANK Plan hearings, Reserve Commissioners are: <ul style="list-style-type: none"> Richard Allibone, Antoine Coffin & Mark Farnsworth Delegates authority to the Proposed TANK Plan Hearing Panel to hear and issue decisions on the Council's behalf relating to submissions received on the Proposed TANK 	L Hooper /C Edmonds	All recommendations resolved by Council as proposed except for <i>TANK Plan Change Hearing Commissioners and Panel Appointments</i> which was amended to appoint Antoine Coffin as replacement for Sheena Tepania after Sheena advised she is no longer available.

Item 4

Attachment 1

Attachment 1

ref	Agenda Item	Action	Responsible	Status Comment
		Plan Change. 7. Delegates authority to the Chief Executive or his nominee to undertake all the necessary operational and logistical arrangements to establish the Panel ... Tukituki Plan Change 6A 9. Withdraws Proposed Plan Change 6A (Tukituki Catchment Table 5.9.1D) because the Streamlined Planning Process pathway is no longer available for use. 10. Advises respondents to the pre-notification of the withdrawal. 11. Makes budget provision in the 2021-31 LTP to commence the review of nitrogen management in the Tukituki Catchment in Year 1 (2021-22).		

RPC Meeting on 18 March 2020

ref	Agenda Item	Action	Responsible	Status Comment
5	RPC Terms of Reference	Seek agreement to amended ToR agreed by 25 September 2019 Regional Planning Committee and Regional Council resolutions.	L Hooper/ P Munro	Second letter to PSGEs seeking agreement to Terms of Reference approved by RPC on 25 September 2019 will be sent week of 6 October 2020.

Item 4

2019 Meetings

Ref	Action	Responsible	Status Comment
6	Schedule a Treaty of Waitangi workshop for Tangata Whenua, Councillors and HBRC Executive Leadership Team	P Munro	Verbal update will be provided by Ceri Edmonds.
7	Relationship building hui	P Munro	Liaison with Glenn Webber under way to schedule further hui as needed following the TToW workshop.

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 14 October 2020

Subject: CALL FOR MINOR ITEMS NOT ON THE AGENDA

Item 5

Reason for Report

1. This item provides the means for committee members to raise minor matters they wish to bring to the attention of the meeting.
2. Hawke's Bay Regional Council standing order 9.13 states:
 - 2.1. "A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion."

Recommendations

3. That the Regional Planning Committee accepts the following "Minor Items Not on the Agenda" for discussion as Item 12.

Topic	Raised by

Leeanne Hooper
GOVERNANCE LEAD

James Palmer
CHIEF EXECUTIVE

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 14 October 2020

Item 6

Subject: MOHAKA PLAN CHANGE

Reason for Report

1. This item presents the proposed process for co-design of a plan change to give effect to the National Policy Statement for Freshwater Management 2020 (NPS-FM) for freshwater and land management within the Mohaka Catchment for approval.

Officers' Recommendations

2. Council officers recommend that the Regional Planning Committee (RPC) supports the confirmation of a co-designed planning process with tāngata whenua and the Project Brief to progress plan development for the Mohaka catchment.
3. Officers also recommend that consideration is given to the establishment of a steering group to guide the direction of the project and facilitate decision-making for the RPC.

Executive Summary

4. The process for developing a catchment specific plan change for freshwater management in the Mohaka Catchment recommenced in 2019, with the concept of co-design being a key feature.
5. Over the past year, time has been spent developing relationships with tāngata whenua and a Memorandum of Understanding to enable the work to progress.
6. Various central government reforms associated with Actions for Healthy Waterways have also progressed, with final documents being released over the next few months which will inform development of the proposed plan change.
7. The proposed Project Brief reflects how it is envisaged that this plan change will be co-designed using a dual pathway for tāngata whenua and the wider community, with critical points of connection along the way.

Background /Discussion

8. Over ten years ago, work commenced on a Mohaka-related plan change and had an initial focus on the Taharua sub-catchment. The section below provides a snapshot of work undertaken so far. This work will inform but not pre-determine this refreshed process.

Origins: Taharua Catchment

9. In 2009, initial work on a management regime for the Taharua Catchment commenced, in response to declining water quality in the Taharua and Upper Mohaka catchments.
10. HBRC established the Taharua Stakeholder Reference Group in 2009, and a Taharua and Upper Mohaka Draft Strategy was prepared in July 2011. In 2012, a proposal for the plan change was presented to HBRC by that Stakeholder Group. Various meetings were held with landowners and other stakeholders, discussions led towards broadening the spatial scope of the plan change.
11. By February 2015, the scope of the plan change was extended to the whole catchment. A 'ki uta ki tai /mountains to sea' approach was envisaged and HBRC made a commitment to establish a broader Mohaka Reference Group. At that time, HBRC also committed to engage with a wider number of hapū/iwi groups with an interest in the Mohaka catchment.

12. A Project Plan for the Proposed Mohaka Plan Change was adopted by HBRC in September 2016, which included a Tāngata Whenua Advisory Group.
13. The Mohaka Reference Group met once, late in 2016, but no further progress was made as other plan development work was given higher priority, notably for Outstanding Water Bodies and the TANK catchments.
14. A number of papers were prepared, including:
 - 14.1. An environmental characterisation of the Mohaka catchment
 - 14.2. A report on the state and trends of water quality and ecology
 - 14.3. An initial recreation assessment
 - 14.4. An inventory of current knowledge of natural resources within the Ngāti Pāhauwera Rohe.

Resource management issues

15. From the work that has been completed so far, the key resource management issues and opportunities identified to date can be summarised as follows.

Declining water quality (nitrogen)

16. Nitrogen levels are elevated in the Taharua River, which has resulted in excessive periphyton growth in the Mohaka below the confluence. In turn, this impacts on aquatic habitat, including for both indigenous fish species and trout. A number of mitigations were introduced to the Taharua Catchment ten years ago, with good results. However, with plan development focus moving away from the Mohaka and a number of farms changing ownership, this initial momentum has been lost and more recent water quality testing reveals an increase in nitrogen levels again.

Poor water quality (sediment)

17. Erosion and sediment are an issue within the catchment. The soils and geology within the catchment are typically prone to erosion, so when exposed, either through crop cultivation, pastoral development or forestry harvesting/clearance, the risk of accelerated erosion occurs. The geology changes from the top of the catchment to the coast. Pumice soils (inland) have a high potential for erosion if not appropriately managed. In the lower catchment, coastal soft sedimentary geology is also highly erodible and may not be so readily managed, leading to elevated levels of sediment in the river. Lower Mohaka sediment levels are considered to adversely impact on the ability of tāngata whenua to provide for their own needs.

Protecting Outstanding Water Bodies

18. A number of rivers within the Mohaka Catchment have been proposed as Outstanding Water Bodies in Proposed Plan Change 7 (Outstanding Water Bodies). That proposal includes the following water bodies within the Catchment and their outstanding values:
 - 18.1. Mohaka River: Cultural spiritual; ecology; natural character; landscape & geology; recreation
 - 18.2. Te Hoe River: Cultural, spiritual; ecology
 - 18.3. Hautapu River: Cultural, spiritual
 - 18.4. Ripia River: Cultural, spiritual
 - 18.5. Waipunga River: Cultural, spiritual; ecology
 - 18.6. Mangahouanga Stream: Cultural, spiritual; geology
 - 18.7. Tarawera Hot Springs: Cultural, spiritual
19. The provisions for such water bodies must protect both their outstanding and significant values. The significant values will be identified through this Mohaka plan development process.

Enabling tāngata whenua to provide for their needs:

20. The Mohaka catchment provides resources important to tāngata whenua and their cultural practices (e.g. mahinga kai, hangi stones). A substantial part of the catchment (% of area) is held as Maori Land under the Maori Land Court by a wide range of trusts, groups, whanau and individuals. The use of this land is varied, featuring indigenous forest, plantation forest, pastoral land and small amounts are used for horticulture and vegetable growing activities.

Actions for Healthy Waterways

21. The plan change must also give effect to the NPS-FM. The NPS-FM was first released in 2011, and since then has been revised in 2014, 2017 and 2020. The latest version comes into force on 7 September 2020 (note that this report is based on information available prior to the release of the NPS-FM 2020).
22. Based on the information available on Reform Actions for Healthy Waterways on the Ministry for the Environment's website, and the recently enacted Resource Management Amendment Act 2020, we anticipate the following requirements for any freshwater catchment-based plan change:
 - 22.1. *Use of the new freshwater planning process.* Note that this relates to post notification procedures, so does not have any material impact on how the plan change is developed up to the point of notification.
 - 22.2. *Recognition of any National Environmental Standard (NES).* Note that regional plan provisions do not duplicate any NES. They may be more stringent where that is provided for in the NES. Relevant NES already in existence include:
 - 22.2.1. NES Plantation Forestry
 - 22.2.2. NES Sources of Drinking Water
 - 22.2.3. NES Electricity Transmission Activities
 - 22.2.4. NES Assessing and Managing Contaminants in Soil to Protect Human Health.
 - 22.3. *Awareness of any proposed NES.* The reforms for healthy waterways propose a new NES for freshwater, possibly by the end of this month. It is anticipated that the new NES may include immediate measures to:
 - 22.3.1. Prevent further loss of natural wetlands and streams
 - 22.3.2. Preserve connectivity of fish habitat
 - 22.3.3. Address high-risk farming activities including intensive winter grazing, agricultural intensification and nitrogen use.
 - 22.4. *Recognition of any s360 RMA regulations.* New stock exclusion from waterways requirements are also due out soon. As with the NES, regional plan provisions recognise but do not duplicate these regulations and may be more stringent where that is provided for in the regulation.
 - 22.5. *Farm plans.* The recent RMA reforms now establish the requirement to have a farm plan, and details of the freshwater management of farm plans is being developed with relevant farming stakeholder groups.
 - 22.6. *Te Mana o Te Wai.* As part of the NPS-FM 2020, it is anticipated that there will be:
 - 22.6.1. A long-term, inter-generational, vision for the water, informed by the aspirations of tāngata whenua and communities
 - 22.6.2. Reporting on progress towards the long term vision
 - 22.6.3. Investigation of options for tāngata whenua involvement such as joint management agreements and reporting on those options.

- 22.7. *Māori values in freshwater.* Mahinga kai will become a compulsory value in the NPS-FM, alongside the other biophysical values and attributes specified in the NPS-FM.
- 22.8. *Ecosystem health.* All components of ecosystem health will be made explicit, and managed and reported on in an integrated way.
- 22.9. *Climate change.* There will be a need to recognise foreseeable climate change in setting any environmental flows and levels for rivers and lakes.
- 22.10. *Wetlands and stream loss.* The new NPS-FM will also prevent further destruction of natural wetlands and stream loss, and require new structures provide for fish passage.
- 22.11. *Threatened species.* The new NPS-FM will make threatened species a new compulsory value.
- 23. Further information on these actions is found at:
<https://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/action-for-healthy-waterways-information-for-regional-councils.pdf> .

Proposed plan change development process

- 24. The proposed plan change development process for the whole of the Mohaka catchment restarted last year.
- 25. In April 2019, Ngāti Pāhauwera Development Trust (NPDT) hosted the RPC on a bus trip around the Lower Mohaka and across to the Pūtere Lakes (which are not in the Mohaka catchment). The trip provided first hand experience of the state of the river near Raupunga and background on the importance of various tāonga, including the hangi stones.
- 26. Over the past year, work has progressed on developing the relationships with the various tāngata whenua entities and developing a co-design process. This work is now at the stage where a first hui with tāngata whenua, to be hosted by NPDT, is scheduled for Friday 21 August 2020.
- 27. Accordingly, the proposed Project Brief is presented to RPC for confirmation to proceed.
- 28. The process proposed has been re-designed to better reflect:
 - 28.1. The functions of the RPC and the need to improve tāngata whenua involvement in the development of resource management within the region
 - 28.2. Learnings gained from recent plan development processes elsewhere across the region.
- 29. In summary, the process proposed involves a dual pathway, with connections at critical points of plan development, being:
 - 29.1. Development of a common understanding of the issues, opportunities and outcomes sought for the Mohaka Catchment
 - 29.2. Assessment of a range of options to deliver the desired outcomes
 - 29.3. Development of a preferred option, including any proposed regulation (the plan change) and draft implementation plan to guide the ongoing work of HBRC through its Long Term Plan (LTP) and the catchment community in achieving the desired outcomes
 - 29.4. Pre-consultation on the proposed plan change.
- 30. The proposed Project Brief is attached as Attachment 1.
- 31. Staff consider that there may be benefit in establishing a steering group which would possibly have both RPC and tāngata whenua membership, to:
 - 31.1. Facilitate the dual pathway for developing the proposed plan change, including its expression of Te Mana o Te Wai
 - 31.2. Guide the direction of the proposed plan change

- 31.3. Facilitate decision-making by the RPC.
32. Such a steering group could comprise of those members of the RPC who represent the Mohaka Catchment, but further discussion with tāngata whenua would be needed before settling on membership of such a group.
33. With respect to progressing this work, it must be undertaken within the context of the wider range of actions required of HBRC to give effect to the Actions for Healthy waterways programme. In particular, the NPS-FM 2020 is expected to require all necessary freshwater plan changes to be notified by the end of 2024.
34. This will limit the ability to undertake additional research to address issues where there is limited information in the short term. Staff envisage that necessary research would be identified, prioritised and scheduled in the implementation plan (and LTP).
35. Further, while the plan change could be progressed as a stand alone plan change, it may be more efficient to complete the notification process using the FPP as part of a larger body of freshwater work.

Strategic Fit

36. This freshwater management work contributes towards achieving the strategic outcomes for land, water and biodiversity: Climate-smart and sustainable land use, biodiversity and water quality, safety and climate resilient water security.

Significance and Engagement Policy Assessment

37. In terms of HBRC's Significance and Engagement Policy, the matter of proceeding with the proposed plan change process is not significant.

Climate Change Considerations

38. The proposed plan change will need to address climate change, including through the requirements set in the reforms to the Resource Management Act, made in mid-2020 and the NPS-FM 2020. It is likely this will include consideration of carbon farming and renewable energy production (with respect to impacts on land and water).

Considerations of Tāngata Whenua

39. The co-design process is intended to ensure sound engagement with tāngata whenua.

Financial and Resource Implications

40. Work for this project is provided for within the Policy and Planning budget over the next two years.

Consultation

41. The Project Plan provides information on how consultation will be undertaken in developing this proposal for notification.

Decision Making Process

42. 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:
- 42.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
- 42.2. The use of the special consultative procedure is not prescribed by legislation.
- 42.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
- 42.4. The persons affected by this decision are all those people and entities that have an interest in the Mohaka Catchment.

- 42.5. 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

1. That the Regional Planning Committee receives and considers the “Mohaka Plan Change” staff report.
2. The Regional Planning Committee recommends that Hawke’s Bay Regional Council:
 - 2.1. 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
 - 2.2. Agrees to support the co-design process between HBRC and tāngata whenua for development of the proposed Mohaka Catchment plan change
 - 2.3. Agrees that the Project Brief will guide development of the proposed Mohaka Catchment plan change and draft implementation plan.
 - 2.4. Requests staff consider and report back on the establishment of a Mohaka Steering Group to facilitate the exchange of information and decision-making between those involved in developing the proposal for the Mohaka and the RPC.

Authored by:

Dale Meredith
SENIOR POLICY PLANNER

Approved by:

Ceri Edmonds
ACTING GROUP MANAGER STRATEGIC
PLANNING

Attachment/s

- [!\[\]\(c33cb967c8fc4f5e27188a389b621c8e_img.jpg\) 1](#) Mohaka Catchment Project Brief - August 2020 draft



MOHAKA : INTEGRATED CATCHMENT MANAGEMENT
PLAN CHANGE
Project Brief

Prepared by:	Dale Meredith
Prepared for:	
Date:	3 August 2020
Version:	1
File name and location:	COMMON N: Mohaka Catchment
Approval:	

Document Control

Purpose of Document

A Project Brief is used to provide a firm foundation for a project. It is created during the Initiation Phase based on known information at that time. It is used as a reference document to complete the documents required during the Planning phase including Business Case, Project Schedule etc.

Typically, the intended audience for this document is the Project Sponsor but could vary from project to project. The Project Brief should be formally signed-off or approved by the Project Sponsor to authorise the Planning Phase.

Document History

Version	Issue Date	Event	Status
1	03.08.2020	Revised project brief (RM Amendment Act)	Draft

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1. Project Background

1.1 History

As part of the ongoing programme of regional plan improvement, work commenced on a possible plan change to the Taharua catchment plan provisions in 2009, in response to declining water quality in the Taharua and Upper Mohaka Rivers.

The Taharua catchment was first developed in the 1960s for sheep and beef farming, with land use intensifying since the 1990s. Water quality in the upper Mohaka and Taharua rivers has been steadily declining over this time. Nitrate concentrations in the Taharua River now exceed toxicity guidelines for fish and other aquatic life and there has also been a decline in trout fishing. The water quality and natural character of the Mohaka downstream of the Taharua confluence has changed, with elevated nitrogen levels being recorded for some distance downstream, and algal blooms appearing at times.

HBRC established a Taharua Stakeholder Reference Group in 2009, and a Taharua and Upper Mohaka Draft Strategy was prepared in July 2011. In 2012, a proposal for the plan change was presented to HBRC by that Reference Group. However, by February 2015, the scope of the plan change was extended to the whole catchment. A 'ki uta ki tai /mountains to sea' approach was envisaged and HBRC made a commitment to establish a broader Mohaka Reference Group. At that time, HBRC also committed to engage with a wider number of hapu/iwi groups with an interest in the Mohaka catchment. A Project Plan for the Mohaka Plan Change was adopted by the Council in September 2016, which included a Tāngata Whenua Advisory Group.

The Mohaka Reference Group met once, late in 2016, but no further progress was made as other plan development work was given higher priority.

Planning for the whole of the Mohaka catchment is restarting, with the process being re-designed to better reflect:

1. The functions of the Regional Planning Committee and need to improve tāngata whenua involvement in resource management within the region; and
2. Learnings gained from recent plan development and engagement processes elsewhere across the region.

Map 1 shows the spatial extent of the Mohaka Catchment and its main tributaries.

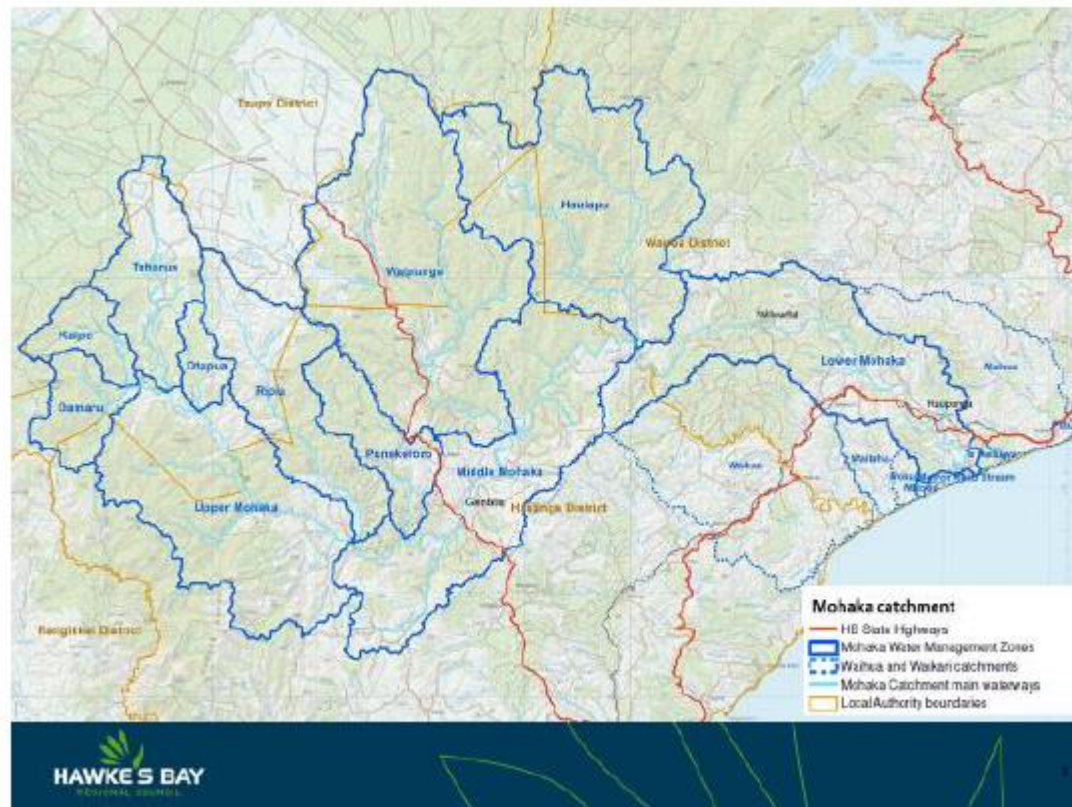
All research and information gathered from the community and stakeholders will be brought forward into this refreshed process, together with necessary changes to give effect to recent updates to National Policy Statements and National Environmental Standards.

Previously, a number of papers were prepared, including:

- An environmental characterisation of the Mohaka catchment;
- A report on the state and trends of water quality and ecology;
- An initial recreation assessment;
- An inventory of current knowledge of natural resources within the Ngāti Pāhauwera Rohe

These documents are still relevant and form an important baseline.

Map 1: Mohaka Catchment



2. Business Case Outline

2.1 Project Objectives

Outcome: The natural resources of the Mohaka Catchment, including its tributaries, are of good quality, meeting national objectives for freshwater management and community aspirations for water, land and coastal natural resources.

Objective 1: An integrated catchment management regime is prepared for the Mohaka catchment water bodies, including all tributaries and groundwater, with particular focus on achieving good quality water in all water bodies and an initial path forwards to mitigate or adapt to the effects of climate change.

Objective 2: Tāngata whenua are effectively engaged in preparation of the draft proposed plan change, identification of significant cultural and spiritual values for tāngata whenua and methods for the protection of those values, and pre-notification recommendations for the Mohaka catchment plan change;

Objective 3: Stakeholders and those using and enjoying the Mohaka catchment are effectively engaged in:

1. Taking actions to maintain or improve catchment natural resources, collectively or individually
2. Plan change preparation – providing input to identify catchment level objectives, policies to achieve those objectives, rules and other methods to give effect to those policies, within the wider regional and national planning frameworks

3. Monitoring and review of the impacts, efficiencies and effectiveness of initiatives undertaken.

Key Output 1: The regime will be given regulatory effect through necessary changes to the Hawke's Bay Regional Resource Management Plan (RRMP).

Key Output 2: The RRMP provisions will be supported by a suite of actions identified in a non-statutory Mohaka Catchment Implementation Programme (noting that this will sit alongside the RRMP).

2.2 Business Justification

Plan development work is necessary for the Mohaka catchment to:

1. Achieve integrated and effective management of the natural and physical resources of the Mohaka Catchment
2. Give effect to the NPSFM with respect to the freshwater management unit, the Mohaka catchment
3. Give effect to changes currently being developed within the Regional Policy Statement section of the RRMP with respect to protecting identified outstanding water bodies
4. Ensure that the RRMP provides for more stringent rules than allowed for in national environmental standards, where necessary to protect natural resources within the catchment
5. Take into account any relevant planning document recognised by an iwi authority within the Mohaka catchment.

The National Policy Statement for Freshwater Management 2014 (amended 2017) (NPSFM)¹ requires regional councils to, amongst other matters:

1. *Consider and recognise Te Mana o te Wai in the management of freshwater (NPSFM Objective AA1)*
2. *Safeguard:*
 - a. *the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of fresh water; and*
 - b. *the health of people and communities, as affected by contact with fresh water (NPSFM Objective A1)*
3. *Safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water, in sustainably managing the taking, using, damming or diverting of fresh water (NPSFM Objective B1)*
4. *Protect the significant values of wetlands and of outstanding water bodies (NPSFM Objectives A2 and B4).*

The Mohaka Catchment plan change work was identified in the NPSFM progressive improvement programme in 2012, and the updated November 2018 programme estimates proposed plan change notification by 2021, and definitely by 2024.

The NPSFM 2020 revision has just been released (5 August 2020), together with related National Environmental Standards for freshwater matters and regulations. The NPS-FM anticipates that any plan change will be required to give effect to Te Mana o te Wai, and will need to address a wider range of attributes and indicators, as well as clearly identifying how the forthcoming national directions inter-relate with the regional plan's provisions.

2.3 Strategic Alignment

The project contributes to three of the Council's strategic priority focus areas for 2020-2025:

1. Water quality, safety and climate-resilient security
2. Climate-smart and sustainable land use

¹ NB to be revised, the NPS-FM 2020 comes into force on 7 September 2020

3. Healthy, functioning and climate-resilient biodiversity.

This project contributes towards achieving a number of the strategic goals associated with each of these focus areas.

2.4 Budget

The policy development work is provided for in the Years 2- 5 of the Long Term Plan (LTP) 2018-2028 (Prj 192). The policy development work will also feature within the proposals for 2021-2031 LTP

3. Project Benefits

3.1 Success Measures

The Mohaka catchment plan change is:

1. Legally compliant and meets all statutory process requirements
2. Assessed as satisfactorily meeting Regional Planning Committee, tāngata whenua and stakeholder expectations for engagement in development of the proposed plan change
3. Notified within the timeline agreed in this project plan
4. Satisfactorily managed with respect to risk, with any resource issues clearly identified, to the satisfaction of the project sponsor
5. Supported by an Implementation Plan for the Mohaka which includes non-statutorily prescribed actions beneficial to achieving good environmental, farming, iwi and community outcomes, in accordance with the RRMP.

4. Project Scope

4.1 In Scope and Out of Scope

The table identifies the types of matters that may be within scope for the plan change

Key Deliverable	IN SCOPE	OUT OF SCOPE
Proposed objectives, policies, rules & other methods	<ul style="list-style-type: none"> Proposed change to RRMP Te Mana o te Wai Iwi values Sub-catchment management Flows and allocations Taking, use of freshwater Damming, diversion of freshwater Discharge: <ul style="list-style-type: none"> Common rural contaminants management Land use management re risk of common contaminant threshold Domestic wastewater discharges Swimmability Biodiversity, important terrestrial & aquatic species, including fish passage at critical life stages (focus on water management) Wetland management Outstanding water bodies protection Relationship with national planning instruments e.g. NES Plantation Forestry, Drinking Water Standards (where stringency is required) and implementing the Mohaka Water Conservation Order as relevant to the RRMP Transitions to achieve objectives 	<ul style="list-style-type: none"> SOE report Stormwater (roading, domestic) (Need to address equitably across region) RPS change (unless change is needed to list of outstanding water bodies) Biosecurity Royalties & resource ownership Gravel extraction management 1080

	<ul style="list-style-type: none"> Monitoring and measurement over time, including for Mātauranga Māori Draft associated change to RCEP Supporting plan change documentation: <ul style="list-style-type: none"> Section 32 RMA Evaluation Report & supporting analysis papers 	
Mohaka Catchment Implementation Plan	<ul style="list-style-type: none"> Methods necessary to implement the plan change, may be broken down into sub-catchments or other communities of interest Approved HBRC LTP work programme relating to Mohaka catchment, including any proposed re-sequencing of work Additional work proposed (e.g. research) including sequencing of work, which may be needed to address catchment issues, but which has not yet been programmed in the LTP General commitments to implementation by parties external to HBRC 	<ul style="list-style-type: none"> Allocation of roles & responsibilities within HBRC Specific budget commitments by external parties

4.2 Constraints and Assumptions

This plan development work assumes that:

1. An Engagement Plan which is satisfactory to both tāngata whenua and the Regional Planning Committee will be agreed by August 2020;
2. Project staff will be available intermittently for the this and the next financial years (1 July 2020 to 30 June 2022);
3. Sufficient resourcing is provided within the Long Term Plan 2018-2028 (Years 2&3) to notify the proposed plan change within the timeline set in this Project Plan, including to undertake some further catchment-based research and planning options to enable option evaluation;
4. New national directions (final forms due in mid-2020) will create additional work to reconcile proposed plan provisions with the new national directions and establish where stringency is required.

5. Project Schedule

5.1 Approach

The pre-notification project process will be co-designed with tāngata whenua, who will be involved at every stage of the Plan change development process. From notification, tāngata whenua and stakeholders will retain their Schedule 1 RMA submission and any appeal rights on the plan change proposal.

5.2 Deliverables

The table below sets out the key steps in the refreshed plan development process. A more detailed project plan is available.

All timings are subject to:

- a) Gaining agreement from iwi within catchment regarding the process and engagement. A further step to engage with Mohaka PSGEs was added in October 2019 to facilitate progression of the work through the RPC
- b) Effect of RPC meeting cycle and how we work with Mohaka iwi in decision-making process: any RPC Recommendation step (up to notification) could be delayed by 1 meeting cycle)
- c) Release of national directions in mid-2020

- d) Any re-prioritising of workloads and policy programmes as a consequence of the LTP review for 2021-2031.

Deliverable	Milestone	Start Date	Due Date	Staff Resources
Agreement(s) with Mohaka iwi RPC Information	Agreements are in place with all relevant iwi re co-design & involvement in plan development	Apr 2019	30 Jun 2020	Policy Maori partnerships
Project Brief RPC Recommendation	Project execution planned	Mar 2019	19 Aug 2020	Policy Core Team
Engagement Plan: • Tāngata whenua • Stakeholders & community RPC Information	Project engagement planned	May 2019	19 Aug 2020	Policy Comms Catchment Mgmnt
Stocktake & gap analysis report	Stocktake completed & information gaps identified	July 2020	31 Aug 2020	Policy Core Team Peer reviewers
S35 Plan effectiveness report RPC Information	Report completed	Jul 2020	14 Oct 2020	Policy Core Team Advisory group
Workshop 1: Recap, situation update, values, outcomes, issues Knowledge gaps Report on workshop 1 RPC Information	Iwi & Community re-engaged Initial framework: Plan change (1) Implementation (1) S 32 strategic level	Jul 2020	30 Nov 2020	Policy Core Team Advisory group Peer reviewers
Workshop 2: Options: water focus Options evaluation Knowledge gaps Report on workshop 2 RPC Information	Water options identified & analysed Framework development: Plan change (2) Implementation (2) Identify S 32 options	Nov 2020	31 Mar 2021	Policy Core Team Advisory group Peer reviewers
Workshop 3: Options evaluation: land focus Knowledge gaps Report on workshop 3 RPC Information	Land options identified & analysed Framework development: Plan change (3) Implementation (3) S 32 options analysed	Mar 2021	30 Jun 2021	Policy Core Team Advisory group Peer reviewers
Workshop 4 Preferred option Analysis Outstanding issues Issue resolution RPC Information	Preferred option identified & analysed Framework development: Plan change (4) Implementation (4) S 32 preferred option initial analysis	Jun 2021	31 Jul 2021	Policy Core Team Advisory group Peer reviewers
Workshop 5: Develop implementation programme to deliver preferred option RPC Information	Draft integrated catchment management plan Including plan change component	Jul 2021	31 Aug 2021	Policy Core Team Advisory group Peer reviewers

Deliverable	Milestone	Start Date	Due Date	Staff Resources
Workshop 6: Pre-consultation draft plan change (+ Draft implementation programme) RPC Recommendation	Draft Proposed Plan change Supported by ICM Plan	Aug 2021	31 Oct 2021	Policy Core Team Advisory group Peer reviewers
Proposed plan change (iwi pre-notification)	Iwi response to proposal How iwi response has been considered in final proposal to notify	Oct 2021	30 Nov 2021	Policy Core Team Advisory Group Peer reviewers
Proposed plan change (for notification) & Hearing Panel selection RPC Recommendation	Mohaka catchment plan change publicly notified	Nov 2021	31 Dec 2021	Policy Comms
Summary of Requests for Change by Submitters	Summary of request for change, call for further submissions	Jan 2022	31 Mar 2022	Policy
Hearing Commissioners Report to Freshwater Commissioner with commissioner recommendations RPC Recommendation	Establish Freshwater Hearing Panel RPC & Council nominate list, sent to Freshwater Commissioner	Nov 2021	31 Mar 2022	Policy Core Team
Hearings & decisions RPC Recommendation on Hearing Commissioners' Recommendations	Decisions released on submissions, following receipt of recommendations of Freshwater hearing panel	Oct 2021	30 Nov 2022	Policy Core Team Comms Advisory group Peer review
Appeals & make operative RPC Recommendations on appeal scope HBRC adopts	Either: • No appeals, make operative • Appeals, including on points of law to High Court; make operative	Nov 2022	Either: • Feb 2023 • Not known	Policy Core Team experts as necessary Comms

6. Project Risks

#	Risk Descriptor	Risk Type*	Consequence	Likelihood
1	Staff resource not available when required	Operational	Medium	Likely
2	Joint plan development process falters	Reputational	High	Possible
3	Lack of consensus between stakeholders	Reputational	High	Likely
4	Breakdown in process between iwi and HBRC	Reputational	Moderate	Possible
5	Reasonable in-scope additional information / research requirements identified during process	Financial	Minor	Likely
6	Project scope creep	Financial	Minor	Possible
7	Project under budgeted	Financial	Minor	Possible
8	Project overruns time	Operational	Medium	Possible
9	Unplanned event (e.g resurgence of Covid-19)	Operational	Minor-Extreme	Possible

#	Risk Descriptor	Risk Type*	Consequence	Likelihood
10	National directions change process	Operational	Minor-extreme	Likely

*Risk Type - as per the Organisational Risk Management Register and quarterly reporting to the Finance and Audit Committee

7. Communications Brief

7.1 Key Messages

Identify 3-4 points you want Stakeholders to understand and act upon.
<ul style="list-style-type: none"> Ki uta ki tai/mountains to sea integrated and holistic approach; all is interconnected; We work together to maintain water quality, and improve quality where it has become degraded; We protect the best features of the Mohaka .

7.2 Target Audience

Who are you talking to?	Stakeholder Interest
Tāngata whenua/iwi and hapu	Inform and support the decision-making role of the RPC
Maori Land Trusts (mana whenua status)	Resource management allocation, use, discharges
(Mohaka iwi)	Business investment decisions
	Social, economic, cultural impacts
Land owners and managers: pastoral, forestry, tourism, horticulture	Resource management allocation, use, discharges
	Business investment decisions
	Social, economic, cultural impacts
Government: national, local	DOC <ul style="list-style-type: none"> indigenous species & habitat Kaweka Forest Park Kaimanawa Forest Park MPI <ul style="list-style-type: none"> agriculture forestry: Te Uru Rakau fisheries: Tina a Tangaroa; allocation of fisheries resource; marine reserves: biosecurity: Tiakitanga Putaiao Aotearoa LINZ <ul style="list-style-type: none"> management of crown land, including river beds (excludes Mohaka below Willowflat) MfE <ul style="list-style-type: none"> Implementation of national guidance, NPSFM, NES-PF etc Territorial local authorities <ul style="list-style-type: none"> Hasting DC (upper and central to Te Hoe River confluence): drinking water Wairoa DC (lower): drinking water (Raupunga, Mohaka) Taupo DC Neighbouring regional councils <ul style="list-style-type: none"> Bay of Plenty Waikato

Who are you talking to?	Stakeholder Interest
Primary industry supporting services sector	<p>Assessing economic impacts</p> <p>Best practices & education programmes</p> <ul style="list-style-type: none"> Federated Farmers Fonterra Dairy NZ Sheep & Beef Forestry Deer Horticulture NZ OSPRI
Environmental interest groups	<p>Fish & Game Council – recreational fishing, trout, salmon: national and local water quality and habitat for sport fishing, lobbying government</p> <p>Royal Forest & Bird Protection Society Inc – biodiversity, habitat and water quality/natural characteristics, lobbying government</p> <p>Save the Mohaka (rafting base) - crowd based response, rafting safety (forestry impacts – floating logs & debris, accurate river flow monitoring above rafting reaches)</p> <p>Choose Clean Water NZ (student led) – crowd based response, lobbying government</p>
Recreational groups	<p>Kayaking & rafting: access & parking (including haul out points), drinking, contact requirements, flow characteristics (experience), safety, amenity (including wilderness experience)</p> <p>Jet boating: access & parking (including haul out points), drinking, contact requirements, flow characteristics (experience), safety (including speed and needs of other water users in same stretch of water), amenity (including wilderness experience)</p> <p>Tramping & outdoors: access & parking (including alongside river), drinking, contact requirements, flow characteristics, amenity (including wilderness experience)</p> <p>Hunting & fishing: access & parking (including alongside river), contact requirements, flow requirements, drinking, amenity (including wilderness experience), sport habitat,</p> <p>Public access point users: access & parking, contact requirements, flow characteristics (type of activity), safety, amenity (including passive enjoyment and wilderness experience)</p>
Catchment residents	<p>Water supply:</p> <ul style="list-style-type: none"> Lower: Ngāti Pāhauwera: Raupunga community water supply (spring); Mohaka School water supply (bore, spring); Waipapa a Iwi Marae (Mohaka River bore)

7.3 Marketing & Communications Tools

Media Releases	Printed Materials e.g. Pamphlets posters etc.	Website Content	Video Content	Photography	Graphic Design	Facebook
Yes	Yes	Yes	At later stage	yes	yes	yes
Radio Advertising/ Interviews	Print Advertising - Newspaper	E-Newsletter	Online Forms	Surveys	Herbi (Staff Intranet)	Snapshot (Internal Comms)
No	yes	yes	yes	yes	?	Yes

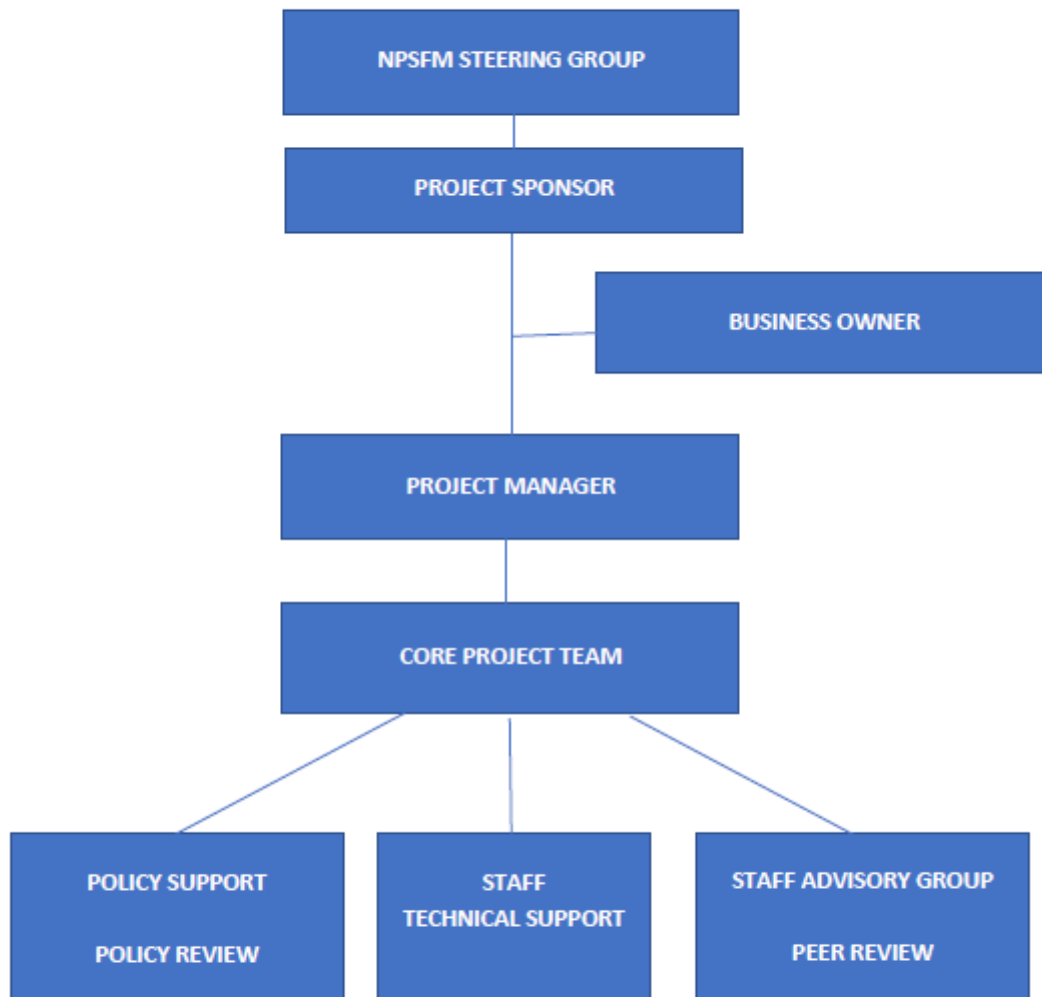
8. Project Organisational Structure

8.1 Project Team Structure

The structure of the Mohaka Catchment plan development project is shown in Diagram 1, following.

Diagram 1:

Project Structure



Item 6

Attachment 1

8.2 Meeting and Reporting Requirements

The table following sets out the main meeting and reporting processes.

Role	Meeting	Reporting
Regional Planning Committee	RPC meetings	Information update to 6-weekly meeting Copy of all public workshop notes Recommendation to HBRC on (milestones): <ul style="list-style-type: none"> • 1: Project brief • 6: Consultation draft of plan change & implementation plan to be released for feedback, establishment of hearing panel • 7: Proposed plan change to be notified, with draft implementation plan • 8: Recommendation to adopt decision recommendations of freshwater hearings panel • 9: Determine scope for resolution & settlement of any appeals; delegations to staff to settle any appeals through mediation • 10: Recommendation to adopt plan change following resolution of any appeals.
RPC Steering Group	HBRC & Mohaka iwi	Identify areas of agreement & disagreement between Mohaka iwi, working groups, stakeholders and public as project evolves Guide where there is disagreement at each phase of plan development Facilitate RPC decision-making at key milestones above
Mohaka iwi group	Convened by Mohaka iwi	Pre and post each round of plan development engagement with stakeholders and community, ending when the plan change is ready to notify Final outcome (Milestone 10) – Thanks & implementation
Sponsor	As above As necessary	Project Status Report To address any emerging significant issue
Business Owner	Monthly brief by Project Mgr pre Steering Group mtg	Project Status Report draft General managerial support & advice Ensure policy team members available as necessary to support project
Core Project Team	Weekly meeting once project gets underway in July	Reporting progress against project timeline & deliverables Identify emerging issues, risk assessments & updates
Policy support group	As part of weekly Policy team update	Reporting progress against timeline & deliverable Identify additional policy resource needs & availability/priority
Project advisory group	Monthly email update	Reporting progress against timeline & deliverable Meeting as necessary for input to plan change or implementation plan development & assessment
Peer review	As necessary	Reporting progress against timeline & deliverable Review of reports to RPC, especially any Decision Report to the 1 st RPC meeting Advice on iwi feedback to RPC, as necessary
Corporate support	As necessary	As necessary

8.3 Project Tolerances

It is acknowledged that the organisational standards for budget tolerances are:

- GREEN On Budget within 5% / \$15k
- AMBER Off Budget between 5-10% / \$15k - \$30k
- RED Off Budget greater than 10% / \$30K or over
- Tolerances beyond this need to be approved by the Project Sponsor.

There have been no specific project tolerances specified by the Project Sponsor in respect of scope, budget, schedule and/or risk.

Item 6

Attachment 1

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 14 October 2020

Subject: REGIONAL COASTAL ENVIRONMENT PLAN - EFFECTIVENESS REVIEW

Item 7

Reason for Report

1. This item presents a soon to be published report on the evaluation of the effectiveness of the Hawke's Bay Regional Coastal Environment Plan (RCEP). The RMA requires councils to regularly (5-yearly) report on the effectiveness of planning documents. Plan effectiveness reporting is different from, but naturally related to, state of the environment annual and 5-yearly reporting frequencies.

Scope and Background

2. Section 35 of the Resource Management Act (RMA) requires councils to monitor the efficiency and effectiveness of the policies, rules or other methods in policy statements and plans and to make the results of such monitoring available to the public at intervals of not more than 5 years. Given the lack of information on Council's administration and compliance costs for specific regional plans, this report does not evaluate the efficiency of the Plan. Therefore, this report fulfils only those requirements that relate to plan effectiveness.
3. The conclusions and recommendations of this report are also suitable for informing the wider 10-year review of the Plan, scheduled to commence in the 2020-21 financial Year.
4. The RCEP became operative in 2014. The Review was initiated in 2019, a peer review recently completed, and is soon to be published.
5. Not all matters relevant to the RCEP are addressed in the Review. In particular, the following matters were considered to be out of scope:
 - 5.1 Methods or management options to address the gaps found during the effectiveness and efficiency review
 - 5.2 Matters landward of the coastal margin
 - 5.3 Issues more than 12 nautical miles seaward of mean high water springs
 - 5.4 Fish stocks, fishing, and marine reserves.
6. Also out of scope was a comprehensive gap analysis of the RCEP against the NZCPS 2010; this review was undertaken in August 2014.
7. The Review includes qualitative information from interviews with HBRC consents staff, however it does not include surveys or interviews with Territorial Local Authority staff. These will be included in the wider 10 year review of the RCEP. Equally, many of the provisions in Part C of the RCEP (Use and Development in the Coastal Margin) are indistinguishable from those contained in the Regional Resource Management Plan (RRMP) which has already been subject to plan effectiveness reviews by Council; most recently in 2018.

Summary of findings

8. Evaluating the effectiveness of the RCEP was undertaken by first examining the outputs of the plan (consents issued, consent monitoring, unauthorised incidents and non-regulatory methods undertaken).
9. The Review found that, broadly speaking, the methods relating to the use of regional rules, resource consents and compliance have been implemented as set out in the RCEP.

10. Non-regulatory implementation of the Plan has been very successful and the Review found that the Council is committed to environmental education and land-based restoration and rehabilitation programmes, such as erosion control schemes, hotspot funding to help address critical issues in the marine environment and wetland restoration projects.
11. The second stage of evaluation involved examining the outcomes for the anticipated environmental results. Findings from this part of the evaluation were limited by generic drafting of the AERs, information gaps and outdated monitoring indicators. These are similar to issues encountered during the Mitchell Daysh 2018 RRMP Effectiveness Review.
12. Trends reported on using State of the Environment Reporting and *Swim Thru Summer* monitoring of recreational water quality highlighted:
 - 12.1. That while both the regulatory and non-regulatory interventions contained in the Plan seem to be maintaining the regions relatively good water quality, there has not been any improvement.
 - 12.2. Estuaries continue to be under significant stress due to land-uses in their catchments, however environmental hotspot funding is enabling restoration of certain areas such as the Ahuriri estuary.
 - 12.3. The majority of marine sites are suitable for swimming.

Next steps

13. There are no immediate next steps being recommended in this paper requiring a decision from the Regional Planning Committee, however the Review has made some recommendations for specific areas within the Plan that require consideration in the 10-year Plan review, for example:
 - 13.1. Significant Conservation Areas – the Plan should identify and adequately protect those values of areas with outstanding natural character and landscape values.
 - 13.2. Coastal Hazards – consideration of national climate change guidance and new sea level rise scenarios, plus review of hazard zoning.
 - 13.3. Alignment with RMA, NZCPS and other national legislation
 - 13.4. Alignment/consistency with RRMP provisions.
14. The upcoming 10-year review of the Regional Coastal Environment Plan is intended to be incorporated into the Kotahi Plan and form part of the work programme over the next 5 years.

Decision Making Process

making provisions do not apply.

Recommendations

That the Regional Planning Committee receives and considers the “*Regional Coastal Environment Plan - Effectiveness Review*” staff report.


Authored by:

Ellen Robotham
POLICY PLANNER

Approved by:

Ceri Edmonds
ACTING GROUP MANAGER STRATEGIC PLANNING

Attachment/s

 1 Regional Coastal Environment Plan Effectiveness Review Report

Under Separate Cover

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 14 October 2020

Item 8

Subject: KOTAHI

Reason for Report

1. This item introduces a work programme to deliver a single regional resource management plan which considers environmental issues and solutions in a more holistic way and reflects a ki uta ki tai approach for resource management in the Hawke's Bay region. This single plan has been given a working title of 'Kotahi' meaning one, unified.

Executive Summary

2. The Hawke's Bay Regional Planning Committee Act 2015 states that the purpose of the RPC is to oversee the development and review of documents prepared in accordance with the Resource Management Act 1991 (RMA). The primary function of the RPC is to achieve the purpose of the RPC. To achieve the purpose, the RPC may implement a work programme for the review of RMA documents.
3. As such it is important to provide the Policy and Planning work programme to the RPC for information, to provide a clear line of sight of both the work strategy and key milestones whereby RPC input and decision making is required for implementation. This item provides information pertaining to the Policy and Planning work programme for the next financial year through to 2025.
4. The refreshed Policy and Planning work programme has arisen in particular as a consequence of significant new national direction, through the Essential Freshwater reforms, amendments to the RMA and new national policy statements, in conjunction with the need to prepare for the Council's Long Term Plan for the 2021-2031 period.
5. Policy and plan development has historically been delivered via two key workstreams – integrated management of land and freshwater through the Regional Resource Management Plan (RRMP) which incorporates the Regional Policy Statement (192) and coastal management through the Regional Coastal Environment Plan (RCEP)(191).
6. Both the RRMP and the RCEP are scheduled for 10 year review as prescribed by the RMA. This work is due to commence in the 2020-21 financial year. It is considered that there is an opportunity to amalgamate the two workstreams with the aim of developing a single plan which considers the environmental issues and solutions in a more holistic manner.
7. In addition to the plan reviews, there is a further and not insignificant workstream which is required by legislation to be delivered by December 2024. This is the notification of the remaining freshwater planning provisions for the region (as required by the amendment to the RMA and the NPSFM 2020). Catchment based freshwater planning was an existing workstream for the Policy team, however under the previous NPSFM (2017) the plans were not required to be completed until 2030. This was previously reported to RPC through the Progressive Implementation Programme (PIP). The Council had three adapted editions of the PIP following each subsequent set of amendments to the 2011, 2014 and 2017 Freshwater Management NPSs. The requirement for another PIP has been removed from the 2020 NPSFM as a consequence of this deadline amendment.
8. This dramatic change to the statutory deadline and imperative for plan notification indicates a clear directive for the plans to be more focused and agile. The 2024 statutory timeframe does not lend itself to extended consultative or engagement processes which have been the approach of more recent plan changes, nor does it allow for new science to be developed prior to policy development. Neither the TANK nor Tukituki models are

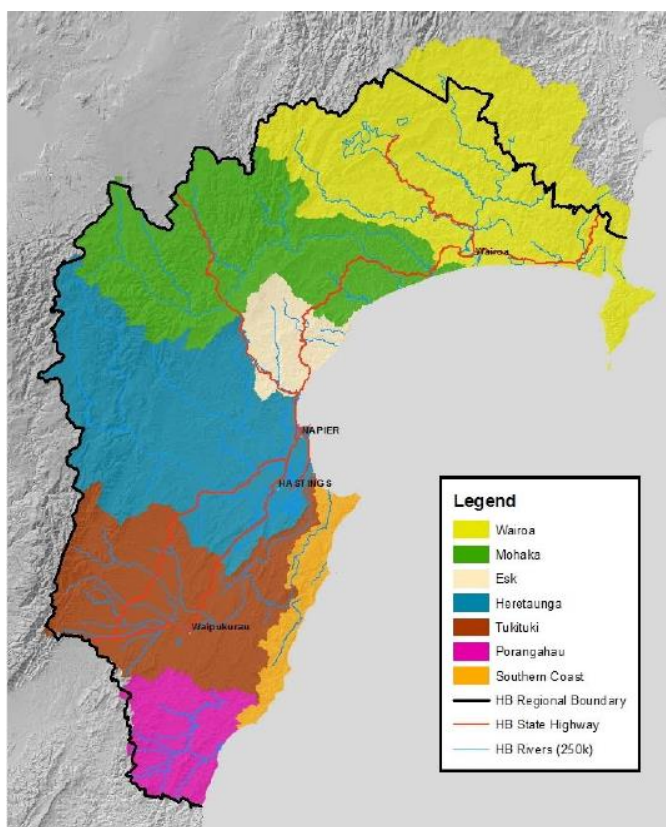
considered sustainable given latest directives in legislation. A focused planning approach is necessary to enable the Council to meet its statutory obligations.

9. Council planning staff consider that combining preparation of freshwater provisions with the rest of region plan review is an appropriate response to this challenge. In doing so this would create a community plan which genuinely reflects a ki uta ki tai approach for resource management in the Hawke's Bay region.
10. It should be noted that there are two other workstreams, Response to Climate Change (194) and Statutory Advocacy (196), which continue to be workstreams of the Policy and Planning team but are not the key focus of this item.

Background and Discussion

11. Under the RMA, the Council has responsibilities to promote the sustainable management of the region's natural and physical resources. This is in part, done through preparing objectives, policies, methods and rules in an integrated way. The Council works to meet these requirements through the RCEP and the RRMP which incorporates the Regional Policy Statement. These are currently presented as two separate plans. Both of these plans are scheduled for their 10 year review (as required under the RMA), which is signalled to commence in 2021.
12. There have been significant changes to legislation and resource management policy since the RRMP and RCEP were prepared and made operative. As they stand, the plans are at risk of not meeting their statutory obligations under the RMA and diverge from modern-day best practice.
13. As such there is a substantial amount of work which is essential within the forthcoming LTP period (2021-2031). For example, under the NPSFM (National Policy Statement for Freshwater Management), regional councils are required to prepare freshwater catchment plans for the region and for these to be notified by 31 December 2024. Currently there is only one operative freshwater catchment plan in the region (Tukituki) and another proposed (TANK catchments). Freshwater plans remain outstanding for Mohaka, Wairoa (including Mahia and Nuhaka), Esk, Porangahau and the southern coast (Image 1). Elements of the Tukituki and TANK plans will need some degree of refreshing so they comply with the new requirements of the 2020 NPSFM.

Image 1. Hawke's Bay Freshwater catchment areas



14. There are statutory obligations for the Council to prepare these plans, align with environmental policy and to adhere to the timeframes stipulated in legislation. These activities form part of the policy work programme carried out by the Policy and Planning team and supported by many other teams across the organisation.
15. As noted above, the policy preparation and plan development has in the past been separated between the two budgets codes (191 and 192), however there is an opportunity to amalgamate the two workstreams and aggregate the two budgets. This is a logical approach given the staff resource is the one and the same and will assist in developing the programme of work, assigning staff time and utilising the external budgets in a more holistic manner.
16. Historically, plan changes have taken a considerable amount of time (e.g. TANK was commenced in 2012 and notified in 2020) and resources, including external expenses. The time pressures which are being imposed on regional councils via the freshwater reform to deliver the freshwater catchment plans in isolation is no mean feat.
17. The emphasis on Te Mana o te Wai in the NPSFM 2020 drives a greater commitment to engage and develop relationships with iwi/Māori and this is supported by our own Strategic Plan objective to embed tāngata whenua values within the plan by 2025. When considering this workload in conjunction with the wider review of the RRMP and RCEP, it becomes very apparent that additional resources will be required to enable the team to meet all obligations and commitments. These are being sought through the LTP 2021-31. Furthermore, it will prompt a significant shift in the form, style and pace of plan preparation work compared to past examples.
18. Council planning staff consider that the most viable solution to the challenge ahead is to combine the regional policy statement, RRMP, including the NPSFM 2020 compliant freshwater catchment plans, and the RCEP into one single plan for the region. This single plan, which has been given a working title of 'Kotahi' meaning one, unified, is the logical solution for the plan and policy delivery (noting that this title could be subject to change). It is also considered that this is the only way in which a truly holistic plan can be delivered within statutory timeframes. An honest representation of a mountains to sea, ki uta ki tai approach to planning.
19. Given the tight timeframes to which we are required to work, there will be a need to develop plans following a minimum viable product model. The aim is to develop a plan which is fit for purpose – not the perfect plan. It is recognised that this term could have negative connotations in the community eye, hence why a 'focused planning approach' is being promoted through the development of Kotahi.
20. There will be other notable challenges and risks associated with the Kotahi Plan delivery, such as managing expectations of the extent of engagement with both tāngata whenua and the community. Equally there is risk associated with timely decision making and unplanned changes to the programme – both of which will have a serious impact on the Plan delivery.
21. It is important for the programme to be understood and accepted by RPC as there is little room for any divergence off the programme pathway. Engagement, communication and management of expectations will be key to the success of the plan delivery.
22. Expectations and requests for 'new' science and information is another critical risk factor for the plan's success. In order to deliver Kotahi and meet our statutory obligations, it is important to understand that there will be no extra new science developed. Kotahi will be developed on current knowledge.
23. There has been a tendency in the past to delay choices on policy options to enable science to be developed and also to allow for multiple scenarios and modelling to be run in response to community desire/expectations. This is not a sustainable or effective planning model, particularly in light of the hard December 2024 deadline.
24. It is envisaged that the focused planning approach will complement a swifter review cycle of Kotahi in the future. These reviews will enable discreet plan changes in a more efficient and agile manner which will in turn support the alignment of policy with new science which is planned and developed.

25. Planning staff do anticipate further changes in legislation in the next twelve months or so (e.g. new national policy statements on indigenous biodiversity and highly productive land). The new Government will determine next steps for further reform or replacement of the RMA, but the Kotahi work programme cannot afford to pause while awaiting the Government's next moves.
26. The Kotahi Plan will deliver a number of benefits, including:
 - 26.1. Minimise consultation fatigue – there will be focused engagement with mana whenua and the catchment communities over a shorter period. There will be also be opportunities to work alongside various Council teams and the TLAs in the catchments. The ki uta ki tai approach to plan development will empower communities to discuss a wide range of regional environmental issues, rather than piecemeal.
 - 26.2. Alignment with HBRC's Climate.Smart.Recovery plan - seeking to minimise further economic demands on communities already suffering from economic impacts of COVID-19.
 - 26.3. Enhanced relationships with tāngata whenua – enables conversations which better align with Te Ao Māori and ki uta ki tai, embeds tāngata whenua values for all catchments in the plan, iwi values identified and recorded for the entire region.
 - 26.4. New holistic and integrated plan – Not a singular freshwater focus, less confusion where to locate the policy direction and rules which guide RMA decision-making for the region.
 - 26.5. Ability to reflect aspirations of the community and highlight next steps for policy development.
 - 26.6. Clear process and pathway that is transparent to the Regional Planning Committee and Council.
 - 26.7. Clear programme and milestones presented from the outset up to 31 December 2024.
27. Below are the some of the deliverables for the Kotahi plan and Policy and Planning work programme.
 - 27.1. To have commenced the review of the Regional Resource Management Plan and Regional Coastal Environment Plan in 2021
 - 27.2. To have developed a detailed Te Mana o te Wai engagement programme and commenced engagement with tāngata whenua in 2021
 - 27.3. By 2022 the Regional Policy Statement to meet National Planning Standards (noting that if this is delivered in conjunction with the Regional Plan this will be delivered in 2024 to align with the NSPFM)
 - 27.4. By 31 December 2024 notify the remaining freshwater catchment management plans for the region
 - 27.5. To have tāngata whenua values for all catchments embedded in the plan by 2025
 - 27.6. By 2029 Regional Plan to meet National Planning Standards (noting that the intention of delivering Kotahi will see this milestone brought forward to December 2024 in the proposed plan)
 - 27.7. By 2029 e-Plan to be operative – as with the RPS and Regional Plan delivery the intention is to deliver this as part of the Kotahi plan and workstream. Alignment of the plans and supporting technology is imperative.
28. Senior planning staff will elaborate on these matters at the Committee's meeting.

Strategic Fit

29. The Policy and Planning work programme closely aligns with the Council's Strategic Plan. All four pillars of the Strategic Plan will be reflected within Kotahi in some form, albeit noting it is not the intention to replicate the Strategic Plan or any of the other organisational workstreams which are in place to deliver on the strategic outcomes.
30. Kotahi will be also be aligned with the National Planning Standards and will provide objectives, policies and rules within a number of mandatory (and some optional) chapters to manage natural resources for the region under the RMA.

Next Steps

31. There are a number of key deliverables which have not been outlined in this item in relation to the Freshwater Reform and Regulations, nor have the milestones for other NPSs (such as Urban Development) and NESs been identified. More detail on this will be presented to the RPC in December to set out a clearer picture of the extent of commitments which lie ahead.
32. It is intended to run a series of workshops with the RPC to step through the freshwater reform and other national direction. This is viewed as an important supporting element to the Kotahi plan and work programme.
33. The first workshop which has been identified is a Te Mana o te Wai workshop. The details of this are still to be confirmed however Riki Ellison, technical advisor to the RPC tangata whenua representatives and member of Kahui Wai Māori, will facilitate this workshop. It is also intended to invite members of the Māori Committee to this particular workshop as this is seen as an important milestone in both the Plan development and implementing the NPSFM.

Decision Making Process

34. 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 the Regional Planning Committee receives and notes the "Kotahi" staff report.

Authored by:

Nichola Nicholson
POLICY PLANNER

Ellen Robotham
POLICY PLANNER

Approved by:

Ceri Edmonds
ACTING GROUP
MANAGER STRATEGIC PLANNING

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 14 October 2020

Item 9

Subject: UPDATE ON CENTRAL GOVERNMENT'S ESSENTIAL FRESHWATER AND RESOURCE MANAGEMENT REFORM WORK PROGRAMMES

Reason for Report

1. This item provides an update on Central Government's '*Essential Freshwater*' and Resource Management system reform work programmes. This report builds upon the earlier staff reports presented to the Committee at its meetings on 3 June and 19 August 2020.

Brief Update on Essential Freshwater Programme

2. The Government's 'Essential Freshwater' programme is in its implementation phase. The programme was previously branded as the Government's '*Action for Healthy Waterways*' package. It features new national freshwater rules, plus a new National Policy Statement for Freshwater Management (NPS-FM).
3. Hawke's Bay Regional Council is part of joined-up regional sector network of activities implementing many elements of the Essential Freshwater programme. Regional Councils and Unitary Authorities collectively are fundamental to the Minister-endorsed Implementation efforts. Attachment 1 provides an overview of the structure.
4. Key intentions of this structure include:
 - 4.1. avoiding re-litigating intent of Government's policy
 - 4.2. avoiding re-inventing wheels and ad-hoc pieces of work by individuals and individual councils
 - 4.3. maintaining consistency where relevant, but acknowledge some things will still need to be done locally with local communities
 - 4.4. be agile and have ability to escalate key issues when they arise given the tight implementation timeframes.
5. The Freshwater Implementation Directors Group has identified a number of priority projects and MFE are in the process of getting those projects underway.
6. MFE has a number of factsheets which are now available online:
 - 6.1. An overview of the [Essential Freshwater package](#)
 - 6.2. [Te Mana o te Wai](#)
 - 6.3. [Wetlands](#)
 - 6.4. [Rivers](#)
 - 6.5. [Fish passage](#)
 - 6.6. [Agricultural intensification](#)
 - 6.7. [Intensive winter grazing](#)
 - 6.8. [Stockholding and feedlots](#)
 - 6.9. [Stock exclusion](#)
 - 6.10. [Essential Freshwater milestones](#).
7. Much of current focus from HBRC staff is on understanding implications of the new National Environmental Standard for Freshwater and the new national Regulations (particularly in terms of how the national rules apply alongside HBRC's existing rules).

A cross-section of staff from across many teams are working to prioritise actions that HBRC must implement and/or could be part of joint initiatives with other councils.

8. Two notable upcoming events involving RPC members are:
 - 8.1. A workshop focusing on *Te Mana o Te Wai* in the NPS-FM. Riki Ellison has agreed to facilitate a session with Councillors, plus tāngata whenua members of the Regional Planning Committee and Maori Committee (date TBC).
 - 8.2. An audience with Chief Freshwater Hearings Commissioner (Peter Skelton) was scheduled for early November but is now to be rescheduled (new date TBC). Peter Skelton's role has responsibilities for overseeing the RMA's new Freshwater Planning Process that freshwater-related plans must now follow.
9. Previous staff reports have foreshadowed that our current freshwater plan-making work programme will need to dramatically change to get freshwater plans done faster. This is critically important for the Committee given its role in overseeing preparation of RMA planning documents. Refer to separate staff report in the Regional Planning Committee's meeting agenda regarding '*Kotahi*'.

Brief Update on Government's Resource Management System Reform Work Programme

10. On 29 July 2020, the Resource Management Review Panel (Panel) recommended major changes to New Zealand's resource management legislative framework, including repealing and replacing the Resource Management Act 1991 (RMA) with three new Acts:
 - 10.1. Natural Built Environments Act;
 - 10.2. Strategic Planning Act; and
 - 10.3. Managed Retreat and Climate Change Adaptation Act.
11. Attachment 2 is an overview of the Panel's proposed system.
12. A Summary and Key Recommendations of the Resource Management Review Panel is available online at: <https://www.mfe.govt.nz/publications/rma/new-directions-resource-management-new-zealand-report-of-resource-management-review>
13. As a first step in response, Environment Minister David Parker has said that *"it is for the next Government to consider the report and decide which aspects to adopt and decide whether to implement it in whole or in part."* The Panel's recommendations as they stand do not have any legal effect.
14. By way of background, on 1 July 2019, the Government agreed to undertake a comprehensive review of the resource management system. Minister Parker appointed Hon Tony Randerson QC as chair of the Resource Management Review Panel. Rachel Brooking, Dean Kimpton, Amelia Linzey, Raewyn Peart and Kevin Prime were appointed as members. The Panel was tasked with the initial phase of the review to produce a report containing proposals to reform the RMA by the end of May 2020 (but delivery was delayed until July due to COVID19 pandemic restrictions).
15. The Panel's terms of reference established the aim of the review being *"to improve environmental outcomes and enable better and timely urban and other development within environmental limits."* The Panel considered a wide range of options, including whether important principles in the RMA should be in a separate piece of legislation and apply more broadly across the resource management system. It was also charged with enabling a new role for spatial planning. The review focused primarily on the RMA itself, but also included the interface of the RMA with the Local Government Act 2002, the Land Transport Management Act 2003 and the Climate Change Response Act 2002.
16. Institutional reform was not a driver of the review. However, in making recommendations, the review would consider which entities are best placed to perform resource management functions.

17. The Panel's recommendations in its 531-page report have been welcomed by the Government and opposition parties alike, meaning major legislative change in the next parliamentary term seems highly likely. Commentary on the recommendations to date has largely focused on the impact of the changes for developers and other participants in resource management processes, and potential improvement in environmental 'bottom lines.'
18. However, the changes if implemented in their current form will also have major implications on the role and responsibilities of local government as it is currently configured.

Next steps for resource management system reform

19. Government officials are currently preparing advice for briefing the incoming Government and relevant Ministers. HBRC's Chief Executive James Palmer is one of several regional sector leaders considering the sector's position on resource management system reform.
20. The Panel had recommended that the Natural and Built Environment Act and the Strategic Planning Act be developed and legislated within the next two years. This will be a substantial workload for central government and will likely necessitate the need for the sharing of workload with local government.
21. Both the Panel and the original Cabinet Terms of Reference identify that the second stage of the reforms is to be a 'widespread consultation to develop legislation and government policy'. Should the incoming Government wish to have legislation in place within two years' time, then this will be a significant work programme.

Decision Making Process

making provisions do not apply.

Recommendation

That the Regional Planning Committee receives and notes the "*Update on Central Government's Essential Freshwater and Resource Management Reform Work Programmes*" staff report.

Authored by:

Gavin Ide

PRINCIPAL ADVISOR STRATEGIC PLANNING

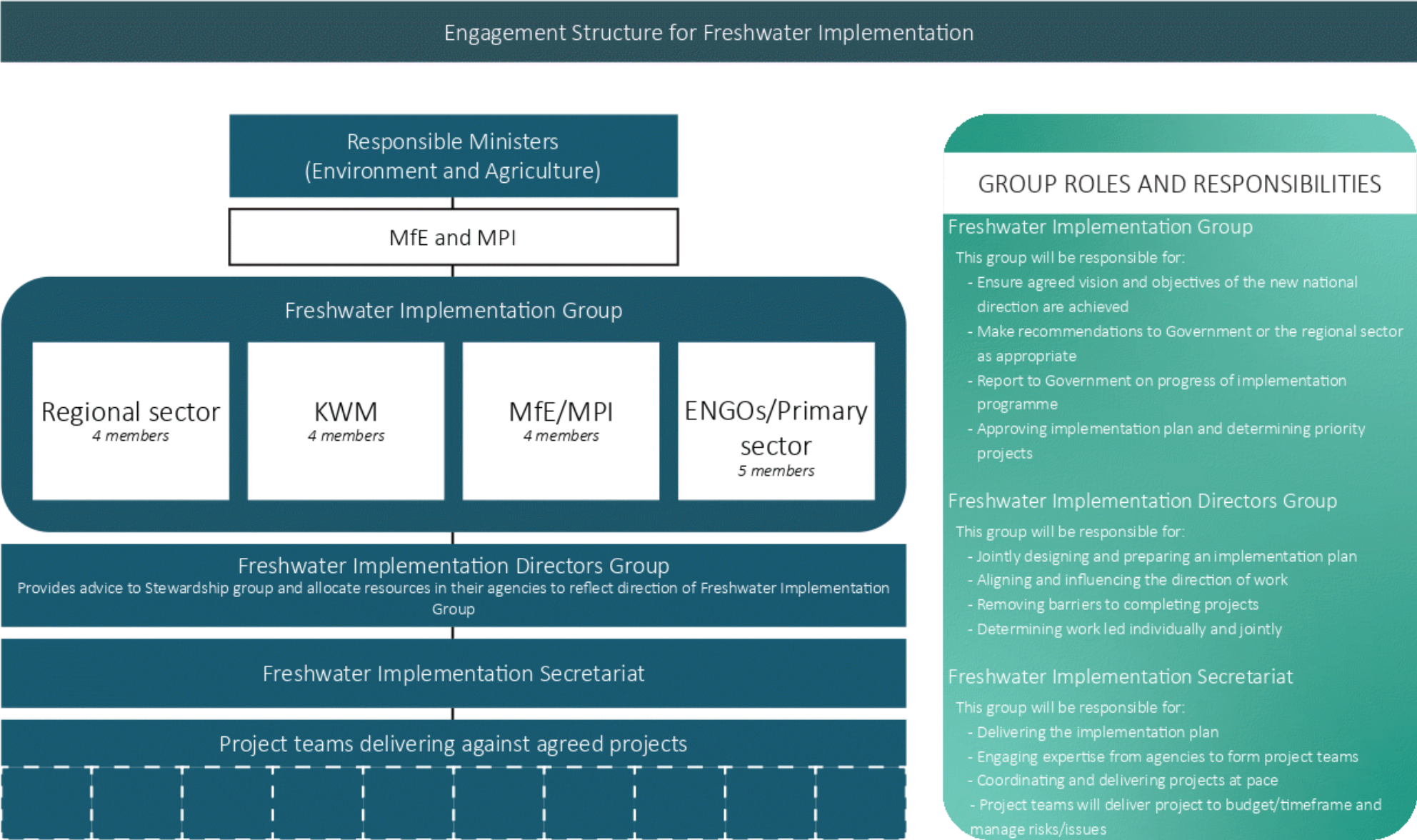
Approved by:

Ceri Edmonds

ACTING GROUP MANAGER STRATEGIC PLANNING

Attachment/s

- [1](#) Engagement Structure for Freshwater Implementation
- [2](#) Proposed Future Environmental Management System as Recommended by Resource Management Review Panel



Item 9

Attachment 2

Natural and Built Environments Act
Enhancing the quality of the natural and built environments to support the wellbeing of present and future generations

Strategic Planning Act
Promotes social, economic, environmental and cultural wellbeing through integration of environmental management, land use and infrastructure

System monitoring and oversight

Mandatory set of national direction
Policy direction, national rules, templates for plans and economic instruments

Regional spatial strategies
Integrate planning under the Natural and Built Environments Act, Local Government Act, Land Transport Management Act, and Climate Change Response Act and align with other infrastructure provision by central government

Integrated partnership process

Economic instruments

Alternative dispute resolution process for localised effects
Independent adjudicator

Regional combined plan

Consents
Environment Court appeals/direct referrals

Compliance, monitoring and enforcement

Managed Retreat and Climate Change Adaptation Act

Land Transport Management Act

Local Government Act

Climate Change Response Act

Purpose and principles

- Focused on achieving specified outcomes in the natural and built environments, rural areas, tikanga Māori, natural hazards, and climate change
- Requires environmental limits for certain resources
- Requires decision-makers to 'give effect' to the principles of Te Tiriti o Waitangi

System monitoring and oversight

- Expanded audit function for the Parliamentary Commissioner for the Environment
- Nationally coordinated environmental monitoring system

Mandatory set of national direction

- Specifies how 'outcomes' and 'limits' must be reflected in plans
- Includes mandatory national direction on Te Tiriti

Regional spatial strategies

- Integrated resource management and infrastructure
- Jointly developed and agreed by central government, all councils in the region, and mana whenua
- Must be consistent with national direction, government policy statements, and national adaptation plan
- Regional combined plan and funding plans must be consistent with regional spatial strategy

Integrated partnership process

- Single process for mana whenua/local authority partnerships that integrates and expands on current tools: Mana Whakahoā a Rohe, section 33, section 36B, and IWI management plans

Combined plan

- Single regulatory plan for environmental management and land use in each region administered by joint committees with mana whenua representatives
- Clearer direction for classifying activities and notification requirements
- Reviewed by an independent hearing panel, with defined appeal paths

Allocation and economic instruments

- Allocation to be guided by principles relating to sustainability, equity and efficiency
- Greater use of economic instruments

Consents and approvals

- Proposals of national significance and direct referrals decided by the Environment Court
- An alternative dispute resolution process for consents with localised effects

Compliance, monitoring and enforcement

- More resourcing/capability/consistency for compliance, monitoring and enforcement functions through regional consolidation

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 14 October 2020

Subject: RESOURCE MANAGEMENT POLICY PROJECTS OCTOBER 2020 UPDATE

Item 10

Reason for Report

1. This report provides an outline and update of the Council's various resource management projects currently underway.

Resource management policy project update

2. The projects covered in this report are those involving reviews and/or changes under the Resource Management Act to one or more of the following planning documents:
 - 2.1. the Hawke's Bay Regional Resource Management Plan (RRMP)
 - 2.2. the Hawke's Bay Regional Policy Statement (RPS) which is incorporated into the RRMP
 - 2.3. the Hawke's Bay Regional Coastal Environment Plan (RCEP).
3. From time to time, separate reports additional to this one may be presented to the Committee for fuller updates on specific plan change projects.
4. Similar periodical reporting is also presented to the Council as part of the quarterly reporting and end of year Annual Plan reporting requirements.

Decision Making Process

5. 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 the Regional Planning Committee receives and notes the "*Resource Management Policy Projects October 2020 Update*" staff report.

Authored by:

Gavin Ide
PRINCIPAL ADVISOR
STRATEGIC PLANNING

Dale Meredith
SENIOR POLICY PLANNER

Approved by:

Ceri Edmonds
ACTING GROUP
MANAGER STRATEGIC PLANNING

Attachment/s

- [!\[\]\(49cafc1b4ac9c36b24a666d112dd1bdd_img.jpg\) 1](#) October 2020 RMA Projects Update

Status Report on HBRC Resource Management Plan Change Preparation & Review Projects (as at 1 August 2020)

Project	Narrative update	Next intended reporting to RPC
'PC7' Outstanding waterbodies plan change	<ol style="list-style-type: none"> Proposed PC7 was publicly notified on 31 August 2019 and the submission deadline was 28 February 2020. <p>Previously</p> <ol style="list-style-type: none"> 41 submissions received, totalling approximately 900 submission points. Submissions majority generally supportive of intent, but changes requested. Heretaunga Tamatea Settlement Trust, Hineuru, Ruapani and Tatau Tatau were offered funding to assist with preparation of submissions. Hineuru took up offer of funding. At Extraordinary RPC meeting on 22 July, RPC made recommendations to Council for Hearing Panel membership and several reserve panellists. Council confirmed the RPC's recommendations at meeting on 29 July. <p>Next steps</p> <ol style="list-style-type: none"> Staff finalising Summary of submissions. Summary will be publicly released in the coming weeks, at which time further submissions from any person will be invited. Further submissions can support or oppose original submissions received. Further submissions cannot raise new matters. Further submission period is ten working days. Staff to liaise with Hearing Panel members on suitable hearing dates, aiming for early December 2020. Decisions on submissions must be issued before 31 August 2021 (i.e. two years after public notification date). 	October 2020
'PC8' Mohaka Catchment plan change	<ol style="list-style-type: none"> Under preparation. Not yet notified. Refer to separate staff update report to RPC on 19 August 2020 meeting agenda. 	October 2020
'PC9' Greater Heretaunga/ Ahuriri catchment area plan change (a.k.a. TANK project)	<ol style="list-style-type: none"> The TANK Plan Change was notified on 2 May 2020 and the submissions period closed on 14 August 2020. 240 submissions were received from a wide range of perspectives. Key themes relate to Te Mana o Te Wai and allocation of water. At RPC meeting on 19 August, RPC made recommendations to Council for Hearing Panel Membership. Council confirmed the RPC's recommendations at meeting on 26 August. Due to unavailability of some commissioners, the hearings panel now consists of Antoine Coffin (Chair), Brent Cowie, Greg Ryder, Dr Roger Maaka, and Rauru Kirikiri. <p>Next steps</p> <ol style="list-style-type: none"> Staff are preparing a summary of submissions. The summary is expected for notification in October 2020, at which time further submissions from any person will be invited. Further submissions can support or oppose original submissions received. Further submissions cannot raise new matters. Further submission period is ten working days. In the meantime, original submissions are available for viewing on the Council's website: https://www.hbrc.govt.nz/hawkes-bay/projects/the-tank-plan/tank-submissions-and-hearings/ Staff to liaise with Hearings Panel members on suitable hearings dates, aiming for May – June 2021. Decisions on submissions must be issued before 2 May 2022 (i.e. two years after public notification date). 	December 2020

Item 10

Attachment 1

Project	Narrative update	Next intended reporting to RPC
Ngaruroro and Clive Rivers Water Conservation Order	<p>19. Eight parties lodged further proceedings with the Environment Court regarding the Special Tribunal's recommendation report. Council lodged further proceedings in relation to the implementation of the draft Order. Because the Environment Court has received submissions, an inquiry will be held.</p> <p>20. Forest & Bird have introduced new evidence which has been accepted by the Court. An additional round of evidence exchange has occurred and expert witness conferencing is to take place on 1 October 2020.</p> <p>21. As a result, mediation has been delayed from 30 September – 2 October 2020, to 15 - 16 October 2020. The hearing remains set down for 9 – 19 February 2021.</p> <p>22. For more information, see: https://www.epa.govt.nz/public-consultations/decided/water-conservation-order-ngaruroro-and-clive-rivers/</p>	Updates from staff as and when new information becomes available on proceedings.
Statutory Acknowledgements of Treaty settlements	<p>23. No further Treaty settlement legislation relating to parts of the Hawke's Bay region has been passed into law since the previous update.</p> <p><i>Refer to Pātaka online mapping tool for further information [website link] about current Statutory Acknowledgements in Hawke's Bay region that have been passed in various Treaty settlement statutes.</i></p>	Updates from staff as and when new information becomes available.

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 14 October 2020

SUBJECT: OCTOBER 2020 STATUTORY ADVOCACY UPDATE

Item 11

Reason for Report

1. This item 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.
2. The Statutory Advocacy project (Project 196) centres on local 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 outlines those proposals that the Council's Statutory Advocacy project is currently actively engaged in.

Decision Making Process

making provisions do not apply.

Recommendation

That the Regional Planning Committee receives and notes the "*October 2020 Statutory Advocacy Update*" staff report.

Authored by:

Nichola Nicholson
POLICY PLANNER

Ellen Robotham
POLICY PLANNER

Approved by:

Ceri Edmonds
ACTING GROUP MANAGER
STRATEGIC PLANNING

Attachment/s

[!\[\]\(84f47badaad7772cd95667a7c387a639_img.jpg\) 1](#) October 2020 Statutory Advocacy Update

Statutory Advocacy Update (as at 21 September 2020)

(Note updates since last RPC meeting (as at 5 August 2020) are provided in red text)

TABLE 1: NATIONAL PROPOSALS

Received	Proposal	Agency	Status	Current Situation
5 Aug 2020	<p>'Essential Freshwater' package (was previously referred to as Action for Healthy Waterways), featuring:</p> <ul style="list-style-type: none"> - A new national policy statement for freshwater management (replacing the 2014/17 NPS-FM) - A new national environmental standard for freshwater - A new Regulation for stock exclusion - Amendments to regulations for water metering. <p>https://www.mfe.govt.nz/action-for-healthy-waterways</p>	Ministry for the Environment	Gazetted and in effect from 3 Sept 2020	Refer to separate briefing paper update in agenda for Regional Planning Committee's 14 October 2020 meeting.
Feb 2020	<p>Proposed Amendments to National Environmental Standard for Air Quality</p> <p>The consultation document sets out several key changes relating to particulate matter and mercury in the current 2004 NES:</p> <ul style="list-style-type: none"> • Introduction of a daily and annual ambient PM2.5 (fine particulate matter) standard • Stricter standards for newly-installed domestic solid fuel burners • Standards apply to all domestic solid fuel burners • Indefinite ban on new open fires in airsheds when standard is breached • Prohibition on the use of mercury in industrial processes. 	Ministry for the Environment	Public feedback closed 31 July 2020	Joint council submission lodged, a copy can be found at HBRC Submissions ¹ .
Feb 2020	<p>Proposed National Environmental Standard for the outdoor storage of tyres</p> <p>The consultation document sets out options for the proposed NES to respond to the risks associated with tyres stored outdoors and to provide the clarity needed about regulation of such tyres under the Resource Management Act 1991.</p>	Ministry for the Environment	Public feedback closed 25 March 2020	<p>On 24 August 2020, Cabinet approved the policy content and drafting of a National Environmental Standard (NES) for the outdoor storage of tyres. This follows receipt of 50 submissions on the earlier proposed NES. When the NES regulations are drafted, they will go back to Cabinet for a final decision. MFE officials expect this will happen in late 2020 (after the General Election), with the regulations coming into force in 2021.</p> <p>Submission lodged, a copy can be found at HBRC Submissions.</p>

¹ <https://www.hbrc.govt.nz/our-council/about-council/hbrc-submissions/>

Received	Proposal	Agency	Status	Current Situation
Jan 2020	Improving Whitebait Management Discussion document detailing proposed management changes for whitebait. It proposed a management goal for the six species fished as whitebait, management outcomes for the whitebait fishery, amendments to the whitebait fishing regulations, and to phase out export of the whitebait species.	Department of Conservation	Public feedback closed 16 March 2020	Submission lodged, a copy can be found at HBRC Submissions .
26 Nov 2019	Draft National Policy Statement for Indigenous Biodiversity (NPS-IB) The proposed NPS-IB sets out the objectives and policies to identify, protect, manage and restore indigenous biodiversity under the Resource Management Act 1991. https://www.mfe.govt.nz/publications/biodiversity/draft-national-policy-statement-indigenous-biodiversity	Ministry for the Environment	Public feedback closed 14 March 2020.	HBRC, NCC, HDC and CHBDC lodged a joint submission. The cover letter and a copy of the full submission can be found at HBRC Submissions . Associate Minister for Environment Nanaia Mahuta agreed to extend the timeframe of the delivery of the proposed NPS-IB to April 2021 (delayed due to COVID-19). The longer timeframe means the joint project team (Ministry for the Environment and the Department of Conservation) can now work on an implementation plan to support the roll-out of the policy statement once it is finalised, while working to address feedback from consultation.
14 Nov 2019	Death, Funerals, Burial and Cremation: a Review of the Burial and Cremation Act 1964 and Related Legislation This consultation document sets out a range of options for modernising the legislation relating to death, burial, cremation and funerals in New Zealand, including the Burial and Cremation Act 1964, Cremation Regulations 1973 and the Health (Burial) Regulations 1946.	Ministry of Health	Public feedback closed 31 July 2020.	Submission lodged, a copy can be found at HBRC Submissions .
21 Aug 2019	National Policy Statement – Urban Development (NPS-UD) https://www.mfe.govt.nz/national-policy-statement-on-urban-development	Ministry for the Environment	NPS-UD released on 23 July to take effect from 20 August 2020	HBRC, NCC, HDC and CHBDC made a joint submission which can be found at HBRC Submissions . MFE are preparing further guidance on implications of the NSP-UD compared to its predecessor NPS on Urban Development Capacity. The Heretaunga Plains Urban Development Strategy Implementation Working Group (IWG) will be principal group considering implications of this new NPS as it relates to plans and policies for managing urban growth in the Napier and Hastings urban areas.

Received	Proposal	Agency	Status	Current Situation
14 Aug 2019	National Policy Statement – Highly Productive Land (NPS-HPL) MPI and MfE have prepared a draft NPS to improve the way highly productive land is managed under the RMA. https://www.mpi.govt.nz/news-and-resources/consultations/proposed-national-policy-statement-for-highly-productive-land/	Ministry for Primary Industries	Public feedback closed 10 October 2019	HBRC, NCC, HDC and CHBDC made a joint submission which can be found at HBRC Submissions . The National Policy Statement on Highly Productive Land has been delayed until the middle of 2021 because of the need for MFE officials to focus on the COVID-19 response.
5 Aug 2019	Aotearoa New Zealand Biodiversity Strategy DOC has launched a strategy to protect and restore our nature over the next 30 years. https://www.doc.govt.nz/nature/biodiversity/aotearoa-new-zealand-biodiversity-strategy/	Department of Conservation	Information only	Te Mana o te Taiao - Aotearoa New Zealand Biodiversity Strategy 2020 was launched in August 2020. <i>Te Mana o te Taiao</i> sets out a strategic framework for the protection, restoration and sustainable use of biodiversity, particularly indigenous biodiversity, in Aotearoa New Zealand, from 2020 to 2050. DOC says “ <i>Te Mana o te Taiao is the first part of the Aotearoa New Zealand Biodiversity Strategy package. The second part of the package will be an implementation plan that will set out actions and responsibilities. The implementation plan will be developed collaboratively with central and local government, Treaty partners, and stakeholders.</i> ” Previously, staff had provided input into the submission made by the Local Government New Zealand Regional Sector Biodiversity Working Group.
24 July 2019	Comprehensive Review of the Resource Management System https://www.mfe.govt.nz/rmreview	Ministry for the Environment	Information only	Staff are maintaining a watch on developments. Minister-appointed Review Panel's report was publicly released on 29 July 2020. In its 500+ page report, the Panel has come up with a large number of recommendations that will reorient the system to focus on delivery of specified outcomes, targets and limits in the natural and built environments. The new incoming Government (post-Oct 2020 election) will consider next steps about how to progress the Panel's report and recommendations.

Received	Proposal	Agency	Status	Current Situation
31 July 2019	Three Waters Policy Package The Cabinet announced its decisions on the proposed Three Waters policy package and has released a number of documents ahead to proposed legislative change: https://www.dia.govt.nz/Three-waters-review#Prog-Aug	Department of Internal Affairs	Information only	<p>On 6th August 2020, <u>Taumata Arowai – the Water Services Regulator Act 2020</u> received Royal assent and become legislation. The Act officially establishes Taumata Arowai–the Water Services Regulator and provide for its objectives, functions, and governance arrangements.</p> <p>Earlier, on 8 July at Havelock North, Prime Minister Jacinda Ardern announced:</p> <ul style="list-style-type: none"> • A \$761m package for three waters investment over the next twelve months, the first of several expected tranches, with \$50m earmarked for Hawke's Bay's councils. • An invitation for councils to work with Government to co-design and support multi-regional three waters service delivery entities. <p>The five councils of Hawke's Bay welcomed the <u>Prime Minister's announcement</u> on three waters reform and Government funding to support regional three waters investment. Since early in 2019, the five HB councils have been working together to review the current and potential service delivery options for drinking, waste and stormwater (three waters) for all of Hawke's Bay – <u>read full media release</u>.</p> <p>Previously, the five HB councils launched a new website in May. The new website - www.hb3waters.nz - provides information about the Review including its background, current status, anticipated timeframes and FAQs.</p>

TABLE 2: TERRITORIAL LOCAL AUTHORITY PROPOSALS

Received	TLA	Proposal	Applicant/ Agency	Status	Current Situation
July 2020	NCC	Application to Ministry of Transport Pipeline Protection Zone under the Submarines Cables and Pipeline Protection Act 1996 Application made to seek protection for submarine pipes in the coastal marine area.	Napier City Council, Hastings District Council, Pan Pac Forest Products Ltd	Application made June 2020 – public feedback closed July 2020	Feedback submitted. A copy of H BRC's submission can be found at HBRC Submissions .
March 2020	NCC	Napier City Council District Plan Review – Discussion Documents NCC released and sought public feedback on discussion documents relating to the following topics: 'Ecosystems and Indigenous Biodiversity', 'Natural Features and Landscapes', 'Built Heritage' and 'Greenfield Growth in the Hills'.	Napier City Council	Discussion documents released – public feedback closed 1 May 2020.	Submissions lodged separately on Ecosystems and Indigenous Biodiversity, and Greenfield Growth in the Hills. Copies can be found at HBRC Submissions .
Aug 2019	HDC	Seasonal Workers Accommodation Variation 7 HDC have notified Variation 7 to the proposed Hastings District Plan which relates to Seasonal Workers Accommodation.	Hastings District Council	Decisions issued. Subject to appeal, mediation pending	<ul style="list-style-type: none"> Submission lodged, a copy can be found at HBRC Submissions. HDC issued its decisions on 30 April 2020. Three parties have lodged appeals. HBRC has joined these appeals as an interested party. As at 27 July 2020, appellants and interested parties are liaising to secure a date for mediation.
May 2019	CHBDC	Central Hawke's Bay District Plan Review CHBDC are undertaking a full review of the District Plan. Notification of proposed review plan is anticipated in early 2020.	Central Hawke's Bay District Council	Draft review discussion document released – public feedback closed.	Feedback submitted. A copy of HBRC's submission can be found at HBRC Submissions .

Received	TLA	Proposal	Applicant/ Agency	Status	Current Situation
Nov 2018	NCC	Napier City District Plan Review Review of District Plan has been initiated. Preliminary phase of review underway with notification of proposed reviewed plan in 2020/21.	Napier City Council	Ongoing - Draft review discussion document feedback closed	Previously... Napier City Council have publicly launched a review of their district plan. There will be further opportunities during NCC's District Plan Review process for HBRC to provide feedback and influence content.
13 July 2016	HDC	Howard Street Rezoning Variation 3 Variation to rezone 21.2 hectares of land from its current Plains zone to General Residential zone in between Howard Street and Havelock Road.	Hastings District Council	HDC Decisions issued Subject to appeal, mediation ongoing	Previously... <ul style="list-style-type: none"> Following Environment Court-assisted mediation and discussions between engineering experts, parties have indicated resolution is achievable regarding land for stormwater management. Final documentation is being drafted by HDC for Court's approval. Parties to the appeal have been discussing recently completed stormwater engineering investigations and geotechnical assessments and how the District Plan rezoning appeal might now be resolved. HDC issued its decisions on 25th March 2017.
18 Jan 2016	WDC	Resource Consent Application Consent is sought to clear 248 hectares of Manuka and Kanuka on Part Umumanfo 2 Block on Kopuawhara Road, Mahia.	Applicant R & L Thompson Agent Insight Gisborne Ltd	Limited Notified WDC hearing pending	Previously... <ul style="list-style-type: none"> HBRC has opposed the application based on concerns relating to the loss and degradation of soil (erosion) and water quality. A copy of the submission can be found at HBRC Submissions. HBRC staff and applicants have held discussions about potential alternative clearance proposals.
8 Nov 2013	HDC	Proposed Hastings District Plan 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.	Hastings District Council	Notified HDC decisions issued, subject to appeals	Previously... <ul style="list-style-type: none"> Over 40 separate appeals were lodged against HDC's decisions by other groups and individuals. HBRC joined as a section 274 interested party to proceedings on eleven (11) of those appeals. All but one of those appeals has been resolved. That last one will be awaiting the appellant to prepare a draft 'structure plan' for their development area in Havelock North. HDC issued its decisions on 12 September 2015. Council staff reviewed the decisions and were satisfied that HBRC's submission has been appropriately reflected so did not need to lodge an appeal itself. http://www.hbrc.govt.nz/HBRC-Documents/HBRC-Documents/20140214 Submission HDC District Plan.pdf

TABLE 3: OTHER PROPOSALS

Received	Proposal	Agency	Status	Current Situation
9 Dec 2017	HB Fish and Game Council's Draft Sports Fish and Game Management Plan A draft management plan under the Conservation Act to eventually replace the current 2005 Sports Fish and Game Management Plan for the HBFG region.	HB Fish and Game Council	Notified, Submissions closed. Hearing pending	Previously... Submission lodged. A copy of HBRC's submission can be found at HBRC Submissions .
24 July 2017	Application for Water Conservation Order (WCO) Application for a WCO for the Ngaruroro River & Clive River	Applicants NZ Fish & Game Council, HB Fish & Game Council; Whitewater NZ; Jet Boating NZ; Operation Patiki Ngāti Hori ki Kohupatiki Marae; Royal Forest & Bird Protection Society	Special Tribunal Recommendation Report Released. Environment Court Inquiry in progress	<ul style="list-style-type: none"> 8 parties have lodged further proceedings with the Environment Court, so an inquiry will be held. Pre-hearing expert witness conferences were held in March regarding hydrology, water quality, avifauna, fish, and planning. Environment Court proceedings were paused during the Level 4 and Level 3 of COVID-19 response. A tentative date has been set for a hearing in early September 2020.

TABLE 4 - UPDATE OF CURRENTLY ACTIVE APPLICATIONS LODGED UNDER MARINE AND COASTAL AREA (TAKUTAI MOANA) ACT 2011 RELEVANT TO HAWKE'S BAY

NB: INFORMATION IN TABLE 4 IS BASED ON THE INFORMATION AVAILABLE TO COUNCIL AT THE TIME OF WRITING

Iwi/Hapu/Whanau	High Court or Crown Engagement	Customary Marine Title	Protected Customary Right	HBRC to join & date	Area Description	Current Situation
Malcom J Kingi on behalf of Ngai Tahu o Mohaka-Waikare	Court CIV-2017-485-235	Yes	Yes	Yes	Mohaka River mouth in the north to mouth of Waiohinga River or Esk River in the south, out to 12 NM limit.	Application lodged in Wellington High Court. Public notice 25/4/17. received by HBRC 16/5/17. Application to be considered in full as part of Ngāti Pāhauwera's application. HBRC evidence to be lodged by 25 th September 2020. Application to be heard February/March 2021.
Ngāti Kere Hapū	Court CIV-2017-485-193	Yes	Yes	Yes	Oueptoto Stream in the north to Akitio River (in Horizons region) in the south, out to 12NM limit.	Application lodged in Wellington High Court. Public notice 25/4/17. Copy received by HBRC 8/6/17
Cletus Maanu Paul on behalf of all Māori	Court CIV-2017-485-512	Yes	Yes	No	<p>"Entire area of Aotearoa New Zealand, including surrounding all islands and reefs..."</p> <p>Claim area amended to only include the area which spans from Nuhaka in the north to Waimarama in the south (June 2020).</p>	<p>High Court to decide whether Mr Paul's claim in relation to <i>"(a)ll Māori not already represented in customary title proceedings under the Act"</i> should be struck out (May 2020).</p> <p>The application was due to be the subject of a strike-out hearing on 28 May 2020. Due to Cletus Maanu Paul's unavailability, the Court proposed to move the hearing to 23 July 2020 in Auckland. The applications for customary marine title and protected customary rights have been amended. Reference to "on behalf of all Māori" have now been removed. Mr Paul is now an applicant in conjunction with other applicants and has asked for the strike-out application to be discontinued on that basis.</p> <p>Following court direction Cletus Maanu Paul has now become the lead applicant with other applicants joining his application. Hillary Seymour has joined the application claim title over the area in the Hawke's Bay region</p>

Iwi/Hapu/Whanau	High Court or Crown Engagement	Customary Marine Title	Protected Customary Right	HBRC to join & date	Area Description	Current Situation
						(including areas spanning from Nuhaka to Waimarama). Churchman J issued a minute (Ngāti Pāhauwera (No 8)), which was critical of Mr Paul's failure to work towards preparing for the February/March hearings dates. He made clear that the Court has directed that cross-claims be heard together and that applicant cannot dictate to the Court the basis on which they will participate in hearings. The Court has noted Mr Paul's desire to participate only as an interested party but has been warned of the consequences of this (16 June 2020). Application withdrawn in its entirety (23 July 2020)
R. Dargaville for NZ Māori Council	Court CIV-2017-404-538	Yes	Yes	No	Waimarama to Blackhead Point	Hawkes Bay portion of national application withdrawn. Application withdrawn in its entirety (23 July 2020)
Maungaharuru-Tangitu Trust	Court CIV-2017-485-241	Yes	Yes	Yes	Waitaha Stream in the north to Keteketerau (Bay View) in the south out to 12NM limit.	Application to be considered in full as part of Ngāti Pāhauwera's application (12 February 19) HBRC evidence to be lodged by 25 September 2020. Application to be heard February/March 2021.
Ngāti Pāhauwera Development Trust	Court CIV-2011-485-821	Yes	Yes	Yes	Poututu Stream in the north to the Esk river in the south, out to 12NM limit. Application made to extend southern boundary of application area to just south of Napier Port. Application for extension of southern boundary struck out due to it being considered in essence a new application.	Application to be considered contemporaneously with applications from Ngāti Pāhauwera Development Trust, Malcom J. Kingi on behalf of Ngai Tahu o Mohaka Waikare, Maungaharuru-Tangitū Trust (MTT), Cletus Maanu Paul. HBRC evidence to be lodged by 25 th September 2020. Application to be heard February/March 2021.
Rongomaiwahine Iwi Trust (previously lodged by Pauline)	Court CIV-2011-	Yes On hold at	Yes On hold at	Yes	Between Paritū (in Gisborne district) in the north and the mouth of the Nūhaka River. in	On hold at applicants request pending Crown engagement application process.

Iwi/Hapu/Whanau	High Court or Crown Engagement	Customary Marine Title	Protected Customary Right	HBRC to join & date	Area Description	Current Situation
Tangiroa)	485-794	applicant's request	applicant's request		the south, including areas surrounding Te Māhia Peninsula out to 12NM limit.	Memorandum filled seeking that high court application remain adjourned while it negotiates the crown (July 2020).
Poronia Hineana Te Rangi Whanau (C.Clarkson)	Court CIV - 2011-485-789	Yes	No	Yes	Whangaeahu in the north to Poroporo (in Horizons region) in the south, including Cape Turnagain out to 12NM limit.	Council's evidence to be filled by the 30 th June 2020. Affidavit received from Landowners Coalition Incorporated (interested party) (June 2020). Application made by applicant's counsel to withdraw and subsequent direction from Churchill J to appoint pukenga. (May 2020). Council submitted evidence 30 th June 2020. Hearing of case to be moved to the 9th November 2020 due to Ngati Kere being the Waitangi Tribunal the week prior.
Ngati Parau Hapu (Waiohiki Marae Board of Trustees)	Court CIV-2017-485-246	Yes	Yes	Yes	The area from the Ahuriri Harbour entrance including the inner harbour and Pandora area. Ends approx. 11km south of the old harbour entrance at the southern end of the Tutae o Mahu block. Extends 12NM out including Pania Reef.	Application to be considered in full as part of Ngāti Pāhauwera's application (February 2019). Due to Ngāti Pāhauwera's claim area extension being reject the application no longer overlaps with this application. However, it has been determined that it will still be heard in conjunction with the Ngāti Pāhauwera application. HBRC evidence to be lodged by 25 September 2020. Application to be heard February/March 2021.
Rangitāne Tū Mai Rā Trust	Court CIV-2017-485-224	Yes	Yes	Yes	Arataua (Poroporo) in the north to Turakirae Point (in Wellington Region) in the south out to 12NM limit.	Application lodged in Wellington High Court 31/3/17. Public notice 26/4/17. Copy received by HBRC 21/4/17.
Maungaharuru-Tangitu Hapu	Court CIV- 2017-485-241	No	Yes	Yes	Waitaha Stream in the north to Keteketerau (Bay View) in the south out to 12NM limit.	
Tamanuhiri Tutu Poroporo Trust	Court CIV-2017-485-314	Yes	Yes	Yes	Kopututea in the north (in Gisborne District) to Paritū in the south, out to 12NM limit.	Application lodged in Gisborne High Court 3/4/17. Public notice 29/4/17. Copy received by HBRC 5/4/17.

Iwi/Hapu/Whanau	High Court or Crown Engagement	Customary Marine Title	Protected Customary Right	HBRC to join & date	Area Description	Current Situation
Peter Riki Mihaere - on behalf of Ngāti Kurupakiaka, Te Aitanga a Puata & Ngāti Tauira (see Crown application filed under Te Aitanga a Puta)	Court CIV-2017-485-230	Yes	Yes	Yes	NE side of Wairoa River bar to Hikakawa Bluff extended to Waikokopu stream, SW side from the river mouth to Poututu stream by a line extending from coast abutting the SW side of Poututu stream to Cape Kidnappers to 12NM .	
Rangitane Tu Mai Ra Trust	Court CIV-2017-485-224	Yes	Yes	Yes	Arataua (Poroporo) in the north to Turakirae Point (in Wellington Region) in the south out to 12NM limit.	Rangitane o Wairarapa me Tamaki nui-a-Rua has joined this application.
Te Rauhina Marae & Hapu (Ngāti Kahu, Te Uri o Te O, Ngā Huka o Tai, Aitanga a Puata, Ngai Te Rangituanui, Ngai Matua, Ngāti Koropi)	Court 2017-485-288	Yes	Yes	Yes	Hika Kawa on east side where Iwitea boundary ends to Pilot Hill before Whakamahia Lagoon, out to 12NM. Boundaries in Ngamotu Lagoon, 1km up Wairoa River.	Application seeks crown engagement first.
Anita Broughton – on behalf of Te Hika o Papauma	Court CIV-2017-404-481	Yes	Yes	Yes	Landward side by the line of MHWS at the mouth of Whareama River, seaward side by 12nm, Whareama river mouth (south point) up to Poroporo (north, to 12NM east and westward).	
Heretaunga Tamatea	Court CIV-2017-485-	Yes	Yes	Yes	From just south of Napier Bluff Hill to 4 KM north of Cape Turnagain.	
Mana Ahuriri	Court CIV-2017-485-	Yes	Yes	Yes	Panepaua (near Tangoio) in the north to Ngaruroro rivermouth in the south, including the Ahuriri Estuary, out to 12 NM limit.	
Tracy Francis Hiller (on behalf of Ngai Tamahaua Hapu)	CIV-2017-485-262	Yes	Yes	TBC	The part of the area defined in the New Zealand Boundaries Act 1863 (UK) which is East of Whakatane, i.e.: All that marine and coastal area lying between the one hundred and seventy-seventh degree of East longitude and the one hundred and seventy-third degree of West longitude, and between the thirty-third and fifty-third parallels of South latitude.	

Iwi/Hapu/Whanau	High Court or Crown Engagement	Customary Marine Title	Protected Customary Right	HBRC to join & date	Area Description	Current Situation
Te Rauhina Marae Trustees (aka Ngati Kaahu and Others)	CIV-2017-485-288	Yes	Yes	Yes	The area from Hika Kawa on the east to Pilot Hill just before Whakamahi/Whakamahia Lagoon and 12NM to sea. Also boundaries in Ngamotu Lagoon and 1km up Wairoa River. Area stretches from the mouth entrance of the sea to Kaimango Pa at Spooners point.	
Pauline Tangiora on behalf Rongomaiwahine Iwi	Crown	Yes	Yes	n/a	Between Paritū (in Gisborne district) in the north and the mouth of the Nūhaka River in the south, including areas surrounding Te Māhia Peninsula out to 12 NM limit.	
Maungaharuru-Tangitu Hapu	Crown	Yes	Yes	n/a	Waitaha Stream in the north to Keteketerau (Bay View) in the south out to 12NM limit.	
Ngāti Pāhauwera (1 of 2) Ngāti Pāhauwera Development Trust	Crown	Yes	Yes	n/a	From Poututu Stream in the north to Pōnui Stream in the south out to 12NM limit.	
Ngāti Pāhauwera (2 of 2) Ngāti Pāhauwera Development and Tiaki Trusts	Crown	Yes	Yes	n/a	Pōnui Stream in the north to Esk River in the south, out to 12NM limit.	
Rongomaiwahine Iwi	Crown	Yes	Yes	n/a	Between Paritū (in Gisborne district) in the north and the mouth of the Nūhaka River in the south, including areas surrounding Te Māhia Peninsula out to 12 NM limit.	
Mana Ahuriri Iwi Inc.	Crown	Yes	Yes	n/a	Panepaua (near Tangoio) in the north to Ngaruroro rivermouth in the south, including the Ahuriri Estuary, out to 12 NM limit.	
Ngā Hapu Kairakau me Pourerere	Crown			n/a	No map provided.	
Ngā Hapu o Iwitea Marae	Crown	Yes	Yes	n/a	From Hikakawa Bluff in the west to Hereheretau B1 Block to the east.	
Ngā hapu o Te Whakaki (Ngāti Hine, Ngāti Hinepua, Ngai Te Ipu)	Crown			n/a	No map provided.	
Ngāti Kahukura and Ngāti Rakaipaka (Kahukura Whanau Trust)	Crown			n/a	Nuhaka River mouth in the north to Wairoa River mouth in the south, out to 12NM limit. (from the Wairoa River to Waikokopu OTS 07.07.17).	

Iwi/Hapu/Whanau	High Court or Crown Engagement	Customary Marine Title	Protected Customary Right	HBRC to join & date	Area Description	Current Situation
Ngāti Kere hapu incl. Ngāti Manuhiri, Ngāti Pihere & Ngāti Hinetewai (Ngāti Kere MACA working party)	Crown	Yes	Yes	n/a	CMT - The Wainui stream mouth to the Ouepoto stream mouth out 12NM or 22.2km offshore. PCT - Ouepoto stream in the north to Akitio river in the south.	
Ngāti Kirituna (Archie Fabiam Waikawa)	Crown	Yes	Yes	n/a	The area from Nuhaka River mouth to the Wairoa River mouth. This area extends 12NM offshore between these two points	
Ngāti Rahui , Ngai te Apatu (Ngai te Apatu Trust)	Crown	Yes	Yes	n/a	From Poututu Stream into the Wairoa River mouth.	
Rongomaipapa Marae	Crown	Yes	Yes	n/a	CMT: The area from Kihitu to Mahia. Also the area from Papmoa Beach to Maketu, excluding Motiti Island. PCR: The are from Kikitu to Mahia. Also the area of Makatu.	
Te Aitanga a Puta, Ngāti Kurupakia e Ngai Taurira (see High Court Application' filed under Peter Riki Mihaere also)	Crown	Yes	Yes	n/a	The area from Cape Kidnappers stretching around to Waikokopu Stream. This area extends out to Lachlan banks and further out to 12NM between the two points.	

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 14 October 2020

Subject: DISCUSSION OF MINOR MATTERS NOT ON THE AGENDA

Item 12

Reason for Report

1. This document has been prepared to assist committee members note the Minor Items to be discussed as determined earlier in Agenda Item 5.

Item	Topic	Raised by
1.		
2.		
3.		