



Meeting of the Regional Planning Committee

Date: Wednesday 14 April 2021
Time: 1.30pm
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Agenda

Item	Title	Page
1.	Welcome/Karakia/Notices/Apologies	
2.	Conflict of Interest Declarations	
3.	Confirmation of Minutes of the Regional Planning Committee held on 10 March 2021	
4.	Post Settlement Governance Entity Presentation	
5.	Follow-ups from Previous Regional Planning Committee Meetings	3
6.	Call for Minor Items Not on the Agenda	7
Information or Performance Monitoring		
7.	Mohaka Co-design Plan Development - Project Brief	9
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9.	Statutory Advocacy Update	35
10.	Discussion of Minor Items not on the Agenda	43

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 present in the room).

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 April 2021

**Subject: FOLLOW-UPS FROM PREVIOUS REGIONAL PLANNING COMMITTEE
MEETINGS**

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 "*Follow-up Items from Previous Meetings*" staff report.

Authored by:

**Leeanne Hooper
TEAM LEADER GOVERNANCE**

Approved by:

**Desiree Cull
STRATEGY AND GOVERNANCE
MANAGER**

Attachment/s

- 1 [↓](#) Followups for April 2021 RPC meeting

Follow-ups from Previous Regional Planning Committee Meetings

Meeting on 10 March 2021

ref	Agenda Item	Action	Responsible	Status Comment
1	Resource Management Policy Projects March 2021 Update	Update Committee on the outcome and decisions of the Outstanding Water Bodies Submission Hearings	C Edmonds	No decision to date. Commissioners are meeting end of April to finalise their reporting.
2	March 2021 Statutory Advocacy Update	Update the Committee on the Water Conservation Order Hearings and whether a new date has been scheduled for the Hearings.	C Edmonds	WCO hearings scheduled to recommence week of 14 June 2021

Meeting on 14 October 2020

ref	Agenda Item	Action	Responsible	Status Comment
	Kotahi	Write a letter to Central Government about the significant commitment of resources required to achieve Freshwater Plan notification for all HB catchments by 31 December 2024.	P Munro /C Edmonds	Approach taken through the Māori Special Interest Group. Engaged with a Consultancy Group based in Wellington. A paper has been advanced and currently undergoing review. Will report back to this committee on this.

**HAWKE'S BAY REGIONAL COUNCIL
REGIONAL PLANNING COMMITTEE**

Wednesday 14 April 2021

Subject: CALL FOR MINOR ITEMS NOT ON THE AGENDA

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."

Recommendation

That the Regional Planning Committee accepts the following "Minor Items Not on the Agenda" for discussion as Item 10:

Topic	Raised by

Authored by:

**Leeanne Hooper
TEAM LEADER GOVERNANCE**

Approved by:

**Desiree Cull
STRATEGY AND GOVERNANCE
MANAGER**

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL REGIONAL PLANNING COMMITTEE

Wednesday 14 April 2021

Subject: MOHAKA CO-DESIGN PLAN DEVELOPMENT - PROJECT BRIEF

Reason for Report

1. This agenda item presents the co-designed project brief which has been developed by HBRC staff and tāngata whenua for the development of the Mohaka chapter of the Kotahi plan (resource management plan for the Hawke's Bay region). The co-designed Mohaka provisions will give effect to the National Policy Statement for Freshwater Management 2020 (NPS-FM).

Executive Summary

2. The project brief sets out the co-design process for developing specific provisions for the Mohaka catchment (including the Taharua and Waihua catchments), including all tributaries.
3. The brief has been reconsidered and amended by HBRC staff and Ngāti Pāhauwera Development Trust (NPDT) staff since it was brought to the RPC in October 2020. It was noted at the October meeting that the Project Brief required greater tāngata whenua input prior to it being endorsed by the RPC.
4. The Project Brief, now titled 'Mohaka Co-Design Plan Development' still draws on key elements of the initial iteration, however, it has been amended significantly to reflect the new way of working with the NPDT and tāngata whenua in the Mohaka catchment. The project brief highlights the Māori-led workstream as well as the parallel HBRC and connecting workstreams that have been woven together to ensure that tāngata whenua are actively involved in developing the plan provisions. This includes developing how Te Mana o Te Wai applies to the catchment and how the management of freshwater will give effect to this. Additional resourcing is being provided to enable NPDT to lead this work on behalf of relevant tāngata whenua interests in the Mohaka catchment.
5. The RPC is reminded that Government has indicated a commitment to repealing and replacing the Resource Management Act 1991 with new legislation before this project is completed. The Mohaka project brief is sufficiently flexible to respond to such legislative change, as is the Kotahi Plan development.

Strategic Fit

6. 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.

Background

7. The previous Mohaka Project Brief was brought to the RPC in October 2020, the supporting paper described the background to this project (the paper can be found [here](#)). It was noted at the October meeting that the Project Brief had not successfully been co-designed and required greater tāngata whenua input prior to it being endorsed by the RPC. The draft project brief was received 'subject to the endorsement of all co-design partners'. Consequently, work has been ongoing on the Mohaka catchment policy development, largely in respect of ensuring that iwi/hapū (via NPDT) are appropriately resourced and have the technical expertise appropriate for them to be actively involved in the plan development.
8. The following narrative provides the RPC an update on progress made since October 2020. It should be noted that this narrative is not directly relevant to the endorsement of

the 'Mohaka Co-Design Plan Development – Project Brief' but rather should provide the RPC with a high degree of comfort that the project has continued in the vein of partnership. It was intimated at the October meeting that the RPC supported the co-design approach but required further demonstration of this commitment from HBRC in terms of the co-development of the Project Brief.

Project Progress: November – December 2020

9. Preliminary public consultation on catchment values and issues was undertaken in November and early December 2020. This series of hui was led by the project team which included HBRC staff and Bonny Hatami (NPDT). Sixty-six people are recorded as attending the four public hui/meetings held at Te Pohue, Wairoa, Mohaka and Napier and two separate farmer meetings (Puketitiri and Taharua).
10. A draft collation of the information collected from the hui/meetings has been provided to participants for review. An online survey was made available on the HBRC Mohaka webpage based on those meetings and was used to collect further information on outcomes and issues.

Project Progress: January – March 2020

11. Following an internal review of this engagement process and further consideration of the work programme, NPDT took the opportunity to consider what resourcing they would require to effectively participate in the process and to enable them to be involved in all aspects of the plan making process going forward. NPDT on behalf of iwi/hapū of the Mohaka catchment have designed a Māori-led workstream and programme of work which will inform the plan development, which HBRC made a financial commitment to support. The Māori-led workstream will deliver a number of components which will be key to plan development, these include (in summary):
 - 11.1. Creation of Pou to guide plan development – analysis of existing tangata whenua visions, documents, and strategies. Pou to specifically relate to the Te Mana o Te Wai concept and principles of Mana Whakahaere, Kaitiakitanga and Manaakitanga
 - 11.2. Wananga with wider tangata whenua of the catchment – development of the local definitions of Te Mana o Te Wai, the long-term vision for the catchment, values, and environmental outcomes.
 - 11.3. Capturing the aspirations and initiatives, tools and options for tangata whenua for management of freshwater in Mohaka catchment. Presenting these back to HBRC and the RPC.
 - 11.4. Assessment of the values against the science data and mātauranga māori to determine where Māori freshwater values need to be protected and where improvements are needed from a tangata whenua perspective
 - 11.5. Draft options for attributes, targets and monitoring which will support the tāngata whenua values, environmental outcomes, and vision.
 - 11.6. Work with HBRC staff to weave these elements into the plan, negotiating shared values, attributes, targets, and options for limits.
 - 11.7. Draft policies, methods and rules which support the desired state for the Mohaka from a tangata whenua perspective.
 - 11.8. Work with HBRC to weave these elements into the Mohaka Chapter and Kotahi regional policy statement and plan to ensure that tangata whenua values, outcomes and visions are embedded in the Kotahi.
12. At the request of the Te Pohue Community a further public meeting is being held on the 25 March 2021. The Waihua catchment has been incorporated into the Mohaka catchment area for the purposes of engaging with the community there.

Central Government Direction 2021

13. Earlier this year Central Government announced its plans to repeal the RMA and replace it with three new Acts (Natural and Built Environments Act, Strategic Planning Act, and the Climate Change Adaptation Act). Minister Parker announced in February that he will engage with iwi/Māori to refine policy options as proposals are developed. Staff presented a paper to the RPC at its last meeting in March 2021 on the 'Resource Management Reform Announcements'.
14. Staff wish to highlight that at the time of writing this paper it remains unclear what this engagement will look like for Hawke's Bay (including Mohaka) iwi. That being said, the government has noted that it is important to keep current systems operating and continue to implement key pieces of national direction such as the NPSFM, with a particular emphasis on gathering evidence/data on plan performance and establishing implementation practices that could be carried over into a future system. We anticipate that the exposure draft for the NBA will be released in May of this year. Staff will continue to provide updates as and when they become available.

Discussion

15. The initial project brief has been amended in response to the need for additional tāngata whenua resourcing and to more clearly articulate how the co-design process will work.
16. The schedule of works has been revised to identify the separate two strands of work, one being led by tangata whenua and the other by HBRC, with each strand connecting as necessary (the middle column of the schedule) to ensure that there is effective integration for both Kotahi (the resource management plan for the region) and the action plan for the catchment. This model of working in partnership aligns with one of the Principles which was explored by the RPC at the workshop in December – He waka hourua, which translates as the double hulled canoe, which is an analogy meaning a partnership where two people/groups are working together towards the same common goal/objective, but also recognising that they are different and retaining their own sense of identity.
17. The amended Mohaka project brief is sufficiently flexible to stay focused on the outcomes for the Mohaka Catchment, while still being responsive to legislative change.

Next Steps

18. A contract is being refined (at the time of writing this paper) and soon to be agreed. This relates directly to the work outlined above in the Māori-led workstream and the resourcing required by NPDT to support this. This will provide the additional resourcing for tangata whenua to undertake more detailed work with iwi and hapū through wananga to identify what it means to give effect to Te Mana o Te Wai locally and allowing for the collection of mātauranga in a way that can best contribute to the plan making process.
19. There are milestones identified in the programme of work including where reports will be provided to the Regional Planning Committee. The work programme (attachment 1 to the project brief) outlines the various next steps and significant milestones for the project. Where there are no substantive reports to present the RPC will be kept informed of progress in the interim via the standing item 'Resource Management Policy Projects'.
20. Preliminary results from hui, public meetings and the online survey will be provided to the RPC at its next meeting in June.

Decision Making Process

21. 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 'Mohaka Co-Design Plan Development Project Brief' staff report and attachments.

Authored by:

**Ceri Edmonds
MANAGER POLICY AND PLANNING**

Approved by:

**Katrina Brunton
GROUP MANAGER POLICY &
REGULATION**

**Pieri Munro
TE POU WHAKARAE**

Attachment/s

- 1** [!\[\]\(13dd0e1ab3baa23f7c1ed52b3eec2756_img.jpg\)](#) Mohaka Project Brief March 2021
- 2** [!\[\]\(5ed985c65f50e5350eeeb77f03c2e095_img.jpg\)](#) Mohaka Plan Development Programme of Work



MOHAKA CO-DESIGN PLAN DEVELOPMENT

Project Brief

Prepared by:	Dale Meredith, Melanie Taiaroa, Rebecca Ashcroft-Cullen; Ceri Edmonds; Bonny Hatami, Kate McArthur
Prepared for:	Bonny Hatami
Date:	19 March 2021
Version:	1.3
File name and location:	COMMON N: Mohaka Catchment
Approval:	

HBRC Project Brief September 2019

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/Manager 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
1.1	03.08.2020	Revised project brief (RM Amendment Act)	Draft
1.2	18.01.21	Revised following RPC 14 October 2020 meeting	Draft
1.3	25.03.21	Revised following conversation with Kate McArthur re: Programme and Bonny Hatami regarding the project brief content (25.03.21)	Draft

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1. Introduction

1.1 Purpose

The Project Brief sets out the process for the co-design of the Mohaka Chapter of Kotahi¹. This will set out how HBRC and the NPDT (on behalf of iwi/hapū) will work in partnership to develop the planning provisions for managing land and freshwater within the Mohaka Catchment which:

- gives effect to the National Policy Statement for Freshwater Management 2020, and
- provides for the needs and aspirations of tāngata whenua and catchment communities.

This project is the first of its kind for the Hawkes Bay Regional Council, in terms of adopting a co-design process for developing catchment-specific provisions, under the guidance of the Hawke's Bay Regional Council (HBRC) and tāngata whenua representatives of the Regional Planning Committee.

The 'Mohaka Co-Design Plan Development' project is part of a wider review of review the operative Regional Resource Management Plan (RRMP) and Regional Coastal Environment Plan (RCEP). The Mohaka project will focus on Mohaka Catchment and sub-catchment detail while also considering region-wide provisions relating to the integrated management of the natural and physical resources.

1.2 Tāngata whenua co-design partners

The following PSGE's and taiwhenua will work with HBRC:

- Tūwharetoa
- Hineuru
- Pāhauwera
- Tūhoe
- Ngāti Manawa
- Ngāti Whare
- Mana Ahuriri
- Maungaharuru Tangitū Trust
- Wairoa Taiwhenua
- Te Taiwhenua o Te Whanganui ā Orotu

1.3 Co-design

Co-design envisages a dual but connected pathway for developing the Mohaka Chapter within Kotahi and clear expression of Te Mana o te Wai in the proposed Mohaka regional plan provisions, agreed between the co-design partners.

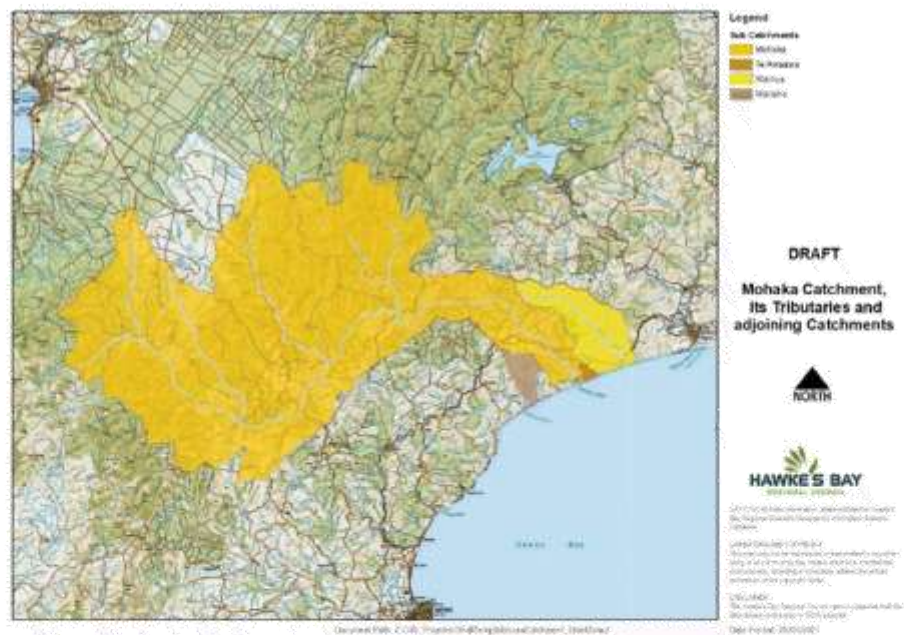
¹ Kotahi is the Resource Management Plan for Hawkes Bay, incorporating the Regional Policy Statement, Regional Plan, Regional Coastal Environment Plan and includes the freshwater catchment planning as required under the NPSFM2020)

Both the process used, and the proposed plan provisions will be developed using the following principles: In working together in co-design and in matters relating to this Agreement, the Parties agree to act in accordance with the following guiding principles:

- a) Partnership
- b) Rangatiratanga (leadership)
- c) Kawanatanga (governance)
- d) Whakawhanaungatanga (relationships)
- e) Good faith
- f) Honesty
- g) Respect
- h) Integrity
- i) Openness
- j) Reasonableness
- k) Mutual benefit

1.4 Mohaka Catchment

Map 1 shows the Mohaka Catchment, together with the main sub-catchments.



2. Project Background

2.1 History

The RRMP was made operative in 2006, with plan change 5 (notified in 2012 and operative from 2019) setting out an approach to integrated catchment management tailored to specific catchments across the region.

Declining water quality in the Taharua sub catchment triggered a Council response back in 2009, when HBRC established a Taharua Stakeholder Reference Group. That group produced a Taharua and Upper Mohaka Draft Strategy in July 2011. Farmers implemented several practices to reduce their discharges of nitrogen which resulted in an improvement in water quality, albeit for a few years only.

By February 2015, the project scope was extended to cover the whole Mohaka Catchment, envisaging a 'ki uta ki tai' approach. In September 2016 a new Project Plan was adopted by HBRC which included a Tāngata Whenua Advisory Group.

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

In May 2019, HBRC met with tāngata whenua representatives from the catchment to discuss the option of developing the plan using a co-design approach. There was general support for this new way of working. The co-design approach was to be initiated with a staff member from Ngāti Pāhauwera Development Trust to represent iwi and hapū interests, acting as a conduit for information exchange and to work in partnership with the HBRC project team in the plan development, on behalf of tāngata whenua.

The co-design process for the Plan development for the Mohaka Catchment has been continually evolving as this is a new way of working together for both tāngata whenua and HBRC. To date it has been an iterative process, drawing on the strengths of both parties, developing new ways of working together and supporting each other in the process of plan development.

The co-design plan development process has been designed to better reflect:

1. The functions of the Regional Planning Committee as co-design partners in decision making;
2. The need to improve the way HBRC work in partnership with tāngata whenua to actively involve them in resource management;
3. Learnings gained from recent plan development and engagement processes elsewhere across the region; whilst
4. Acknowledging that this is a new way of working, which is constantly evolving as we explore the learnings from working together, developing the co-design process and nurturing the partnership, while ensuring that we maintain the agility and flexibility to respond to new ideas, challenges and approaches as they arise.

The Project Brief (version 1.3) has being revised to better reflect the co-design process and to incorporate the requirements of various new land and freshwater regulations, including the National Policy Statement for Freshwater Management (NPS-FM 2020).

3. Business Case Outline

3.1 Project Vision

A healthy and vibrant environment, and a resilient and prosperous community.

3.2 Project Outcome

A Mohaka specific chapter for incorporation within Kotahi (Regional Plan for Hawkes Bay) provides the policy framework for managing natural and physical resources in an integrated manner that prioritises water quality, sustainable land use, biodiversity and ecosystem health, as well as the needs of people in the Mohaka catchment.

3.3 Project Objectives

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

Objective 2: A policy framework that supports sustainable land management, recognising the role of kaitiaki and stewards of the catchment, further developing an understanding of the environmental impacts of land use, exploring ways to reduce these impacts and implementing good practices.

Objective 3: A policy framework that ensures that the land and coastal waters are of good quality, meeting national objectives for management and tāngata whenua and community aspirations for water, land and coastal natural resources.

Objective 4: Tāngata whenua co-design the plan making process and draft proposed regional plan provisions (to pre-notification) with HBRC.

Objective 5: 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.

Objective 6: Mohaka plan provisions are developed within the context of the wider review of the RRMP and RCEP (Kotahi).

3.4 Outputs

Key Output 1: The Mohaka catchment management regime will be given regulatory effect through necessary changes to the land and freshwater provisions in the regional plan for Hawke's Bay.

Key Output 2: A Mohaka Catchment Action Plan will identify non-regulatory catchment actions (by HBRC and others) to achieve the long-term catchment visions and outcomes identified in the regional plan.

3.5 Business Justification

Plan development work is necessary for the Mohaka catchment to:

HBRC & NPDT Project Brief: Mohaka Co-Design Plan Development DRAFT v1.3

1. Achieve integrated and effective management of the natural and physical resources of the Mohaka Catchment
2. Give effect to the NPS-FM 2020 with respect to 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 regional plan 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 NPS-FM 2020 sets out the land and freshwater plan making process in general terms, including requiring that plans give effect to Te Mana o Te Wai (NPS-FM 2020) and that tāngata whenua are actively involved in freshwater management and the community are engaged at each step of plan development (NPS-FM 2020 Policy 2 and the NOF Process NPS-FM 3.7(1)).

All plan provisions to give effect to the NPS-FM must be undertaken as soon as reasonably practicable (NPS-FM 4.1), follow the freshwater planning process (s80A(1) RMA) and be publicly notified by 31 December 2024 (s80A(4)(b) RMA).

The National Planning Standards require that regional plans adhere to certain drafting standards, included standard terms (if defined nationally) and the structure of any regional policy statement and plan.

The Māori-led workstream recognises the statutory requirements for the plan making process as outlined above, and consequently has been developed in such a way that appropriate resources are provided to support expert input into the plan drafting with a Te Ao Māori lens.

3.6 Strategic Alignment

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

1. Water quality, safety and security
2. Smart and sustainable land use
3. Healthy, functioning biodiversity.

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

The creation of the Pou will identify those strategic priorities for iwi/hapū in the Mohaka catchment. This workstream is the first priority for the Māori-led programme and will guide plan development. It will provide an analysis of existing tāngata whenua visions, documents and strategies. The Pou will specifically relate to the Te Mana o Te Wai concept and principles of Mana Whakahaere, Kaitiakitanga and Manaakitanga.

3.7 Budget and Resources

The policy development work is provided for in the Years 2-5 of the Long Term Plan 2018-2028 through workstream 192 (Strategy and Planning).

Additional funding is being sought to support tāngata whenua involvement via the LTP 2021-2031 through two workstreams – the Policy & Planning workstream for Kotahi and Māori Partnerships.

It is recognised that this new co-design approach to working will require appropriate funding to support the Māori-led workstream. There will be funding requirements necessary to

support for instance the creation of the Pou, involvement in policy drafting, wananga whereby the expression of passing down of knowledge and matauranga Māori will occur and development of management options.

Matauranga Māori is likely to come in many forms – it is yet unclear how this will be expressed in the Mohaka plan development specifically, whether it is through implementation, recording or giving effect to. This body of work is likely to be embarked upon and will identify a future work programme which extends beyond the notification of Kotahi by December 2024.

4. Project Benefits

4.1 Success Measures

Success will be measured where the co-design process and the planning provisions for the Mohaka catchment achieve the following:

1. Plan provisions which are legally compliant and meet all statutory process requirements
2. The relationship with tāngata whenua is nurtured and enhanced through co-design
3. Te Mana o Te Wai is effectively expressed for the catchment and the region
4. Successfully managing and meeting the expectations of the Regional Planning Committee and tāngata whenua, particularly with regards to engagement. Managing community expectations will require management. One of the measures of success will be an understanding and appreciation of the limitations of the plan and acceptance of communicating via different methods e.g. social media where this is practical, effective and efficient.
5. Kotahi is notified within the timeline agreed in this project plan
6. The project is satisfactorily managed with respect to risk, with any resource issues clearly identified, to the satisfaction of the project sponsors
7. The Mohaka policy is supported by an Action Plan for which includes non-statutorily prescribed actions beneficial to achieving good environmental, farming, iwi and community outcomes.

5. Project Scope

5.1 In Scope and Out of Scope

The table following identifies the types of matters that may be within scope for the Mohaka Catchment plan development work.

Key Deliverable	IN SCOPE	OUT OF SCOPE
Proposed objectives, policies, rules & other methods	<ul style="list-style-type: none"> Proposed change to regional plan 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"> Management of common rural contaminants Related management of land uses, including intensification of activities Domestic wastewater discharges Swimmability 	<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 1080

	<ul style="list-style-type: none"> • Biodiversity, important terrestrial & aquatic species, including fish passage at critical life stages (focus on water management) • Wetland management • Outstanding water bodies protection • Gravel Extraction • 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 regional plan • Transitions to achieve objectives • Monitoring and measurement over time, including for Mātauranga Māori • Draft associated change to the coastal environment • Supporting plan change documentation: • Section 32 RMA Evaluation Report & supporting analysis papers 	
Mohaka Catchment Action 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

5.2 Constraints and Assumptions

This plan development work assumes that:

1. An Engagement Plan for Kotahi which is satisfactory to both tāngata whenua and the Regional Planning Committee will be developed to support co-design;
2. Project staff will be available intermittently for 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) and LTP 2021-2031 to support the notification of Kotahi (incorporating a Mohaka Catchment chapter) within the timeline set in this Project Plan;
4. Project team continues to work together (with appropriate mandate) acknowledging that the co-design concept is evolving, and that HBRC and NPDT will commit to working together on the principles of flexibility, openness and forgiveness. That there is a good vision as we embark on co-design of how we intend to work together with a common end goal;
5. Mātauranga Māori and the action plan will be developed in support of the policy development;
6. New national direction including for example the NPS-IB and the replacement of the RMA is likely to create additional work to reconcile proposed plan provisions with the new national directions and establish where stringency is required.

6. Project Schedule

6.1 Approach

The pre-notification project process will be co-designed with tāngata whenua, who will be involved at every stage of the Plan development process.

6.2 Deliverables

The main deliverable will be a co-designed Mohaka chapter for incorporation within Kotahi (Regional Plan for Hawkes Bay).

Attachment 1 – Mohaka Plan Development: Tāngata whenua & HBRC Programme of Work outlines the numerous other deliverables for this project. This programme outlines the deliverable from both the Māori-led workstream, the joint working and HBRC led workstreams.

7. Project Risks

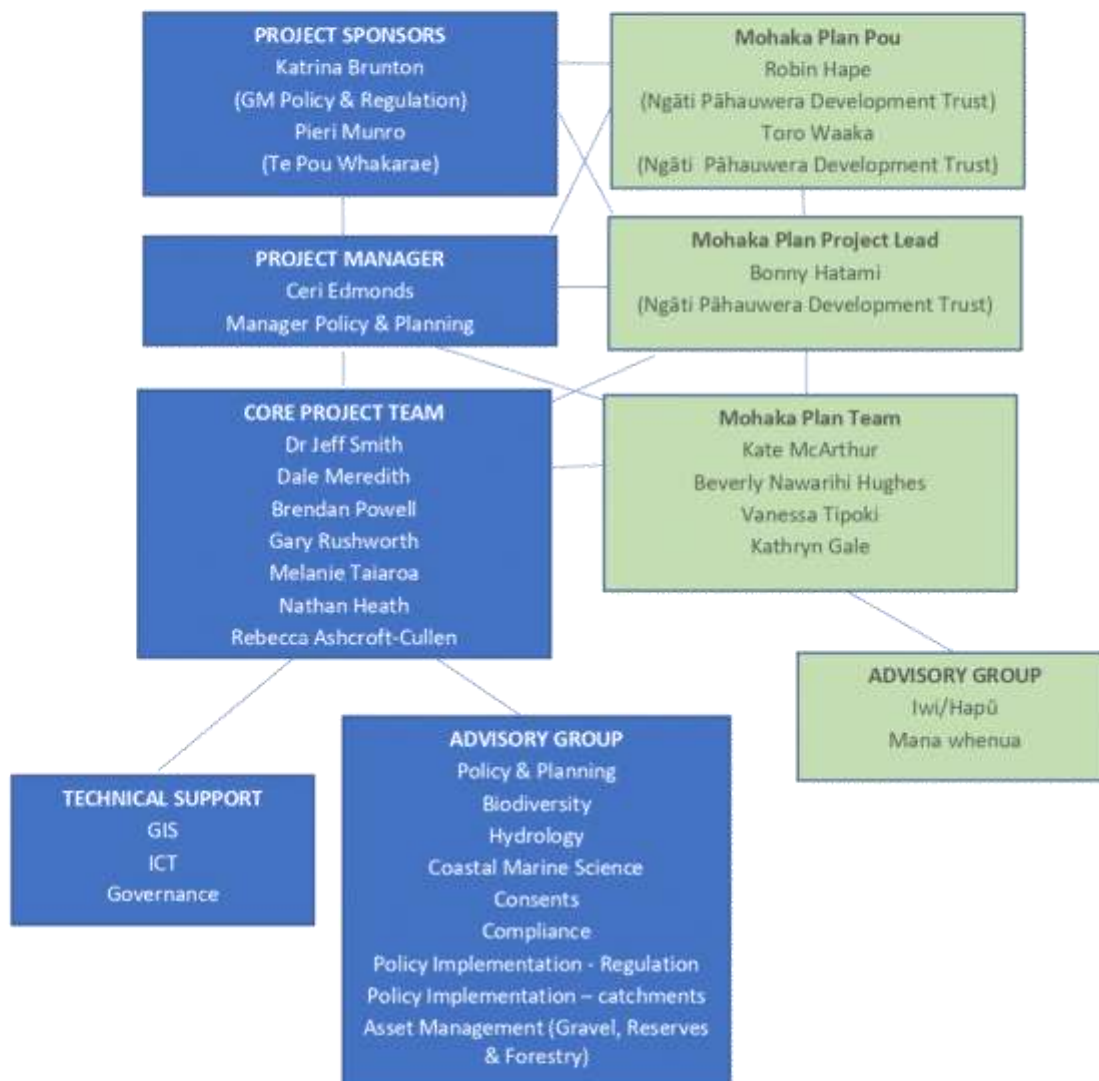
Risk Matrix:

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

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

8. Project Organisational Structure

8.1 HBRC & Mohaka Plan Project Team Structure



MOHAKA PLAN DEVELOPMENT: TĀNGATA WHENUA & HBRC PROGRAMME OF WORK

ATTACHMENT 1

PLAN STAGE	LED BY			TIME
	Tangata Whenua [including KM Water KMW contract]	Joint work	HBRC	
1	RELATIONSHIP			Ongoing throughout process
	Establish and maintain relationship	Feedback on draft MOU	Co-design agreement	Initial draft MOU
			Engage with PSGEs re plan change & MOU	
		Sign MOU/contract where appropriate	Draft MOU Contract/s for co-design	Sign MOU/contract
			Sustain the relationship	
				Establish and support Mohaka leadership group (RPC/HBRC local reps)
2	VISION, OUTCOMES & ISSUES			
2a	Develop Vision, outcomes, values & issues [Community Engagement 1]	Engage with tangata whenua (TW) eg attend AGMs /hui	Hold Hui/public workshops to identify outcomes & issues • Te Pohue • Wairoa • Mohaka • Napier • Online Hold a further evening meeting at Te Pohue (March 2021)	Hold Farmer workshops • Puketitiri • Taharua
		KMW Phase 1a Pou and foundation 1. Interim physical boundaries 2. Desktop synthesis of tangata whenua information for pou		Assemble material for candidate long term vision, values, environmental outcomes, indicators and localities where specific values apply
		KMW Phase 1b Te Mana o Te Wai 3. Wananga on definition of TMOTW, vision, values 4. TW outcomes report		Include: • WCO values • OWB draft values
			KMW Phase 1b Te Mana o Te Wai 5. TW and HBRC identify shared definitions for working version of TMOTW, long term visions, values and environmental outcomes	
			Follow by Community Engagement 1 – round 2 Check level of support, modify as needed Test working version of vision, outcomes, values & issues Eg online survey, invitation to provide further feedback	
			KMW Project 1c FMU setting 6. TW and HBRC agree on FMU boundary	
		KMW Phase 1c Tools for management 7. Identify tools and options for freshwater management with TW rūpū, including possible management delegations and decision-making for action plan	Informal liaison between project teams	Commence identifying possible tools and options for achieving candidate objectives
		KMW Phase 3 Vision drafting for Plan 1. Commence drafting objectives for TMOTW, visions and outcomes	Informal liaison between project teams	Preliminary drafting of vision/s, outcomes
		KMW Phase 2a State of the takiwā 1. Assess state of values, environmental outcomes & long term vision against science data and Mātauranga Māori	Informal liaison between project teams	Assemble scientific information and tools available to inform policy development
		KMW Phase 2a Key issues 2. Identify key issues	Informal liaison between project teams	Preliminary issue drafting Consider regionally significant issues and more localised issues
		KMW Phase 2a Knowledge and gaps 3. Identify key knowledge and monitoring gaps	Informal liaison between project teams	Assess knowledge gaps and need for further interpretation of data Commission essential new research through Long Term Plan and Annual Plan processes
		KMW Phase 2a Attributes, targets & limits 4. Draft options for attributes, targets and limits for wānanga discussion	Informal liaison between project teams	Use NOF to identify candidate attributes for non-specific TW values and candidate target state options
2b	Identify attributes of values	KMW Phase 2b Wānanga on Attributes 5. Wider wānanga on attributes, including cultural health monitoring and implementation		Assess state of values, environmental outcomes and long term vision against values and their attributes Consider: • where values apply • impacts of naturally occurring processes • SOE data • Monitoring data – consents, compliance
		KMW Phase 2b Environmental outcomes 6. Report on environmental outcomes		

PLAN STAGE		LED BY			TIME
		Tangata Whenua [including KM Water KMW contract]	Joint work	HBRC	
		and other matters addressed in workstream 2b above		Consider where values need to be: <ul style="list-style-type: none"> Protected Maintained Improved Consider candidate objectives	
		KMW Phase 3 Vision drafting for Plan 1. Continue drafting objectives for TMOTW, visions and outcomes, attributes etc	Informal liaison between project teams	Commence drafting of initial visions, outcomes, values and attributes, objectives	
			KMW Phase 2c Communicating outcomes 7. TW and HBRC identify shared values, outcomes and attributes, options for limits	Maintain visibility of Mohaka TW values in plan drafting	
			KMW Phase 2c Presentation to RPC 8. Present Māori workstream outputs to RPC		
			Present initial concept of how the dual threads of tangata whenua and general vision, outcomes, values, issues and objectives and limits might look to RPC		
			Follow by Community Engagement 1 – round 3 Check level of support, modify as needed Test working version of vision, outcomes, values & issues, attributes, limits <i>Eg online survey, invitation to provide further feedback</i>		Sept/Oct 2021
2c	Working draft of vision, outcomes, values and attributes		Report to Mohaka leaders and then RPC on round 3 feedback With Mohaka leaders, establish: <ul style="list-style-type: none"> 'fit for purpose' draft of vision, outcomes, values and attributes to progress next stages of plan development parameters of possible land and freshwater management options to achieve environmental objectives parameters of TW and stakeholder advisory working groups for addressing key issues 		
2d	Review stage		Review project brief and develop next Stage 3 in more details		
3	OPTIONS TO ACHIEVE THE DESIRED STATE <i>Complete stage 3 by <date></i>				
3a	Review current situation against desired state and management options			Update assessment of current state against 'fit for purpose' draft vision, values and their attributes	Oct 2021
3b	Establish advisory groups		Establish advisory working parties on key issues with TW and stakeholder membership	Support work of advisory working groups	
3c	Develop possible options		Ensure integrity of TW plan matters as drafting proceeds within the full option/plan framework		
		KMW Phase 3 Drafting for Plan 2. Continue drafting policies, rules and methods to give effect to TW vision and TMOTW	Advisory working groups advise and assess options being developed eg farming, forestry, biodiversity Include initial options for: <ul style="list-style-type: none"> Possible regional plan provisions Possible action plan provisions 	Develop preliminary options to achieve objectives to support joint working groups.	Nov 2021
		KMW Phase 3 Drafting for Plan 3. Further wānanga to review draft provisions and ensure consistency with local tikanga			
			KMW Phase 3 Drafting for Plan 4. Liaison between TW and HBRC at key points		
			Brief Mohaka leaders options on options developed		Mar 2022
			Prepare hui/workshops to assess all options to achieve objectives		
3d	Assess options [Community Engagement 2]	Hold hui to assess all options	Engage with community to assess all options: <ul style="list-style-type: none"> Hui/workshops Online Advisory Working Groups may assist with presentations	Hold Farmer workshops to assess all options	
			Mohaka leaders identify preferred option, including how best to give effect to tangata whenua values		
3e	Review stage		Review project brief and develop next Stage 4 in more details		May-June 2022
4	PREFERRED OPTION <i>Complete stage 4 by <date></i>				
4a	Refine preferred		Mohaka leaders guide any further working group activities to refine the preferred		

PLAN STAGE		LED BY			TIME
		Tangata Whenua [including KM Water KMW contract]	Joint work	HBRC	
	option		option		
			Advisory working groups assist in refining preferred option and its possible implementation	Refine preferred option	
			Refine initial draft of regional plan and action plans		
			Prepare hui/workshops to assess how well the refined preferred option (v2) achieves objectives		May-Sept 2022
4b	Test preferred option v2 [Community Engagement 3]		Engage with community to assess preferred option v2: • Hui/workshops • Online	Hold farmer workshops to assess preferred option v2	
			Mohaka leaders identify further improvements to preferred option v2		
			KMW Project 3 Drafting for Plan 4. Liaison between TW and HBRC at key points		
4c	Review stage		Review project brief and develop next Stages 5A and 5B in more details		Oct 2022
5A	MOHAKA ACTION PLAN Complete Stage 5A by <date>				
5Aa	Oversight		Establish Mohaka Action Plan Oversight Group	Support establishment of Oversight function	
			Hold Oversight Group meetings as necessary	Support Oversight function	
5Ab	Finalise Action Plan	KMW Phase 5 Monitoring 1. Identify monitoring regime including how to address gaps	Informal liaison between project teams	Revise working draft of Action Plan as necessary to reflect current and anticipated future needs	
		KMW Phase 5 Implementation Plan 2. Draft TW Implementation Plan			
		KMW Phase 5 Implementation 3. Identify who will do what and how, review processes			
5Ac	Implement Action Plan Consult on LTP/AP proposals [Community Engagement 4]		KMW Project 3 Drafting for Plan 4. Liaison between TW and HBRC at key points	Incorporate Mohaka Action Plan into Annual Plan and Long Term Plan drafts for consultation under Local Government Act 2002 [SEPARATE LTP PROJECT]	
			Engage with community on proposed Action Plan projects: • Hui/workshops • Online • LTP/AP submissions	Proposed LTP/Annual Plan consultation on proposed Mohaka Action Plan projects	
		KMW Phase 5 Implementation & Funding 3. Implementation and funding arrangements	Joint implementations actions as agreed between the parties [SEPARATE PROJECTS]	Implement Mohaka Action Plan	
5Ad	Review		Hold Oversight Group meetings as necessary, and at least annually to review progress & update the Action Plan	Update Mohaka Action Plan at least annually, and revise fully once Mohaka regional plan provisions become operative	Oct 2022
5B	KOTAHI PRE CONSULTATION (Pre-consultation draft of Proposed RPS and Regional Plans)			Complete Stage 5B by <date> 2024 [SEPARATE KOTAHI PROJECT]	
5B	Pre-consult on draft plan review [Community Engagement 5]		Incorporate Mohaka provisions within wider review of the RPS & regional plans		
		Engage with tangata whenua as appropriate	Engage with community on pre-consultation draft of reviewed RPS/regional plan: • Hui/workshops • Online Other?	Hold land owner/manager workshops as appropriate	
		KMW Phase 4 Review of Mohaka provisions 1. Review Mohaka provisions in Pre-consultation Draft of Kotahi			
		KMW Phase 4 Review of Mohaka provisions 2. Report on Pre-consultation Draft of Kotahi and agree changes pre-notification		Identify what revisions have been made in response to tangata whenua feedback, and the associated reasoning	
			Revise Mohaka provisions within wider review of the RPS & regional plans in the light of pre-consultation feedback received		
6	KOTAHI NOTIFICATION (Proposed RPS and Regional Plans)			Complete Stage 6 by <date> 2024 Complete Stage 6b by 31 December 2024 [SEPARATE KOTAHI PROJECT]	
6a	Prepare to notify			Prepare necessary material for notification	

PLAN STAGE	LED BY			TIME
	Tangata Whenua [including KM Water KMW contract]	Joint work	HBRC	
		Check Mohaka provisions in review and supporting documents (Section 32 Options Analysis fairly reflect the co-design work for Mohaka)		
6b	Notify Proposed Review of RPS, RRMP and RCEP [Community Engagement 5]		Notify the proposed review, call for submissions and process submissions and further submissions as set out in Schedule 1 RMA	
			Engage with community to provide information on Kotahi	
7	KOTAHI HEARING & RECOMMENDATION (Proposed RPS and Regional Plans)		Complete Stage 8 by <data> 2026 [SEPARATE KOTAHI PROJECT]	
	Hold hearing & commissioners make recommendations		Appoint hearing commissioners as set out in RMA	
			Hear and recommend submission on Mohaka provisions as part of the wider review of the RPS & regional plans	
8	KOTAHI DECISION OF COUNCIL & APPEALS (Review of RPS and Regional Plans)		Release HBRC decision by 31 December 2026 [SEPARATE KOTAHI PROJECT]	
	Make decisions and manage appeals		HBRC makes decisions	
			Appeal process applies as set out in RMA	
9	KOTAHI OPERATIVE & ONGOING IMPLEMENTATION		Make operative within 3 months of resolution of appeals [SEPARATE KOTAHI PROJECT]	
	Make Kotahi operative		Make operative as set out in Schedule 1 RMA	
10	KOTAHI OPERATIVE & ONGOING IMPLEMENTATION		Make operative within 3 months of resolution of appeals [SEPARATE IMPLEMENTATION PROJECTS]	
	Implement operative Kotahi	KMW Phase 5 Implementation & Funding 3. Implementation and funding arrangements	Update Action Plan to reflect operative provisions	
		Joint implementations actions as agreed between the parties [SEPARATE PROJECTS]	Implement the revised Action Plan for Mohaka	

MOHAKA CATCHMENT PLAN DEVELOPMENT WORK

Ref	Action	2020/4	2021/1	2021/2	2021/3	2021/4	2022/1	2022/2	2022/3	2022/4	2023/1	2023/2	2023/3	2023/4	2024/1	2024/2	2024/3	2024/4
1	RELATIONSHIPS Establish and maintain relationship with tangata whenua																	
2	VISION, VALUES Develop vision, identify values, their environmental outcomes and issues																	
	TW Phase 1: Pou Review																	
	TW Phase 1: TMOTW, long term visions, values & outcomes																	
3	OPTIONS Identify candidate attributes, attribute targets and management tools; regional plan, action plan																	
	TW Phase 2: Attributes, targets & limits																	
4	PREFERRED OPTION Draft initial regional plan provision Draft Action Plan																	
	TW Phase 3: Objectives, Policies & Methods																	
5	REFINE & INCORPORATE IN INITIAL KOTAHI																	
	KOTAHI PRE-CONSULTATION Incorporate Mohaka provisions into Kotahi																	
	TW Phase 4: Review of proposed plan																	
	TW Phase 5: Monitoring & implementation																	
6	KOTAHI NOTIFICATION																	NPDT CONTRACT 20-241 HAS ENDED
7	KOTAHI HEARING & RECOMMENDATIONS																	By 2026
8	KOTAHI DECISION & APPEALS																	
9	KOTAHI OPERATIVE																	
10	ACTION PLAN DEVELOPMENT & IMPLEMENTATION Catchment/community action groups may form				LTP 2021-31 AP Yr 1				AP Yr 2				AP Yr 3				LTP 2024-34 AP Yr 1	Ongoing
	TANGATA WHENUA & COMMUNITY ENGAGEMENT POINTS																	
	TW: Engage with tangata whenua		TW1				TW2		TW3		TW 4			TW4				Submission process
	Engage with wider community/ hold wider wānanga	1				WORKING GROUPS	2	WORKING GROUPS	3	WORKING GROUPS	4		OVERSIGHT GROUP	5		OVERSIGHT GROUP		Submission process

HAWKE'S BAY REGIONAL COUNCIL
REGIONAL PLANNING COMMITTEE

Wednesday 14 April 2021

Subject: RESOURCE MANAGEMENT POLICY PROJECTS UPDATE - APRIL 2021

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 Update – April 2021*" staff report.

Authored by:

Dale Meredith
SENIOR POLICY PLANNER

Ellen Robotham
POLICY PLANNER

Ceri Edmonds
MANAGER POLICY AND PLANNING

Approved by:

Katrina Brunton
GROUP MANAGER POLICY & REGULATION

Attachment/s

- 1 [↓](#) April 2021 RMA projects Update

Status Report on HBRC Resource Management Plan Change Preparation & Review Projects (as at 23 March 2021)

Project	Narrative update	Next intended reporting to RPC
'PC7' Outstanding waterbodies plan change	<ol style="list-style-type: none"> Publicly notified on 31 August 2019. 41 submissions were received, 19 further submissions. The OWB Hearing was held from 30th November to 4th December 2020. Hearing Commissioners are Dr Brent Cowie (Chair), Dr Roger Maaka and Christine Scott. 24 submitters attended the hearing. The Hearings Panel are in the process of writing the decisions. The Panel are scheduled to meet at the end of April to finalise their decisions. HBRC staff will provide an update when the Hearing Panel's decision on PC7 has been released. The PC7 decision must be issued before 31 August 2021 (i.e. two years after public notification date). 	June 2021
Mohaka Catchment Policy Development for Kotahi	<ol style="list-style-type: none"> Under preparation. Not yet notified. Staff are currently redesigning the project brief and programme of work with tāngata whenua and their project team (please refer to the paper attached to this agenda). Critical tāngata whenua-led workstreams are being supported and resourced by HBRC. These workstreams are fundamental to the success of the plan by enabling tāngata whenua to be actively involved in the plan development process. Website updated with information gathered during initial community engagement pre-Christmas on catchment values and issues. Public meeting at Te Pohue on 25 March 2021 to introduce wider community to the Mohaka catchment policy development work 	This meeting 14 April 2021
'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. The hearings panel consists of Antoine Coffin (Chair), Brent Cowie, Greg Ryder, Dr Roger Maaka, and Rauru Kirikiri. The summary of submissions was notified on 11 November 2020 and closed on 9 December 2020. 24 further submissions were received. Original submissions and further 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/ <p><u>Next steps</u></p> <ol style="list-style-type: none"> Staff are analysing all submissions received and preparing a report under Section 42 of the RMA. The report will provide recommendations to the hearings panel on whether to accept, accept in part, or reject submissions on the plan change. Hearings will commence on the 24 May and will run through June. The first three days of the hearing will be held at Mangaroa Marae in response to requests from tāngata whenua. Decisions on submissions must be issued before 2 May 2022 (i.e. two years after public notification date). 	June 2021
Ngaruroro and Clive Rivers Water Conservation Order	<ol style="list-style-type: none"> The Environment Court hearing on the Water Conservation Order began on 9 February 2021. Court proceedings were scheduled to adjourn on 19 February 2021. However, due to COVID Level 3 restrictions in Auckland the second week of the Environment Court hearing did not proceed. Hearings have been rescheduling to commence the week of the 14 June 2021. HBRC staff will provide an update when the Court's decisions on the WCO is made available. For more information, see: https://www.epa.govt.nz/public-consultations/decided/water-conservation-order-ngaruroro-and-clive-rivers/ 	Updates from staff as and when new information becomes available.

Project	Narrative update	Next intended reporting to RPC
Statutory Acknowledgements of Treaty settlements	<p>21. 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 April 2021

Subject: STATUTORY ADVOCACY UPDATE

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

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 "*Statutory Advocacy Update*" staff report.

Authored by:

Nichola Nicholson
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Ellen Robotham
POLICY PLANNER

Ceri Edmonds
MANAGER POLICY AND PLANNING

Item 9

Approved by:

Katrina Brunton
**GROUP MANAGER POLICY &
REGULATION**

Attachment/s

1 [↓](#) April 2021 Statutory Advocacy Update

Statutory Advocacy Update (as at 23 March 2021)

Note: updates since reporting for previous RPC meeting (10 March 2021) are provided in red text

TABLE 1: NATIONAL PROPOSALS

Received	Proposal	Agency	Status	Current Situation
10 Feb 2021	<p>Reforming the Resource Management System</p> <p>The Government plans to repeal the Resource Management Act 1991 (RMA) and replace it with three new pieces of legislation.</p> <p>The reform is based on the findings of the comprehensive review of the resource management system which were released last year (see to earlier proposal below).</p> <p>https://www.mfe.govt.nz/rma/resource-management-system-reform</p>	Ministry for the Environment (lead) in association with various other Ministries	Information only (for now)	<p>[For more details, refer separate item presented to Regional Planning Committee meeting on 10 March 2021].</p> <p>The three new Acts are proposed to be the:</p> <ul style="list-style-type: none"> • Natural and Built Environments Act (NBA) to provide for land use and environmental regulation (this would be the primary replacement for the RMA) • Strategic Planning Act (SPA) to integrate with other legislation relevant to development, and require long-term regional spatial strategies • Climate Change Adaptation Act (CAA) to address complex issues associated with managed retreat and funding and financing adaptation. <p>At this time, there is no formal submission process or public feedback opportunity currently open.</p>
8 Dec 2020	<p>Water Services Bill</p> <p>This omnibus bill will implement the Government's decision to comprehensively reform the drinking water regulatory system, with targeted reforms to improve the regulation and performance of wastewater and stormwater networks.</p> <p>The main purpose of this Bill is to ensure that drinking water suppliers provide safe drinking water to consumers.</p>	Health Select Committee	Submissions closed 6 March 2021	<p>A joint submission was lodged on the Bill on behalf of the following agencies: Central Hawke's Bay District Council, Hastings District Council, Hawke's Bay Regional Council, Napier City Council, Wairoa District Council and the Hawke's Bay District Health Board.</p> <p>Copy of the full joint submission can be found at HBRC Submissions.</p>

Received	Proposal	Agency	Status	Current Situation
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. Anticipating announcement by Minister –mid 2021	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. HBRC staff anticipate Ministers will make further announcements about finalising of the NPS-IB in mid 2021.
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. Anticipating announcement by Minister –mid 2021	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. HBRC staff anticipate Ministers will make further announcements about finalising of the NPS-HPL by mid 2021.

TABLE 2: TERRITORIAL LOCAL AUTHORITY PROPOSALS

Received	TLA	Proposal	Applicant/ Agency	Status	Current Situation
March 2021	HDC	Proposed Plan Change 3 A plan change proposing specific policies and rules be inserted into the District Plan. Proposed amendments would permit marae, subject to performance standards, within the Plains Production and Rural zones of Hastings District.	Hastings District Council	Notified. Submissions closed 12 March 2021	<ul style="list-style-type: none"> Planning staff reviewed proposed Plan Change 3 and concluded a formal written submission is not necessary at this time.

Received	TLA	Proposal	Applicant/ Agency	Status	Current Situation
Aug 2020	NCC	Resource Consent Application Consent is sought to develop 162 dwellings and a staged subdivision as a gated community at 16 and 38 Willowbank Avenue, Te Awa.	Applicant Durham Property Investments Limited Agent Development Nous Limited	Notified Hearing not required	<ul style="list-style-type: none"> HBRC lodged submission opposing the application based on concerns regarding natural hazards including tsunami inundation, stormwater, earthworks and transport connectivity. A copy of the submission can be found at HBRC Submissions. Staff and applicants held a meeting to discuss options to address HBRC's concerns. Conditions have been agreed and included within the recommended conditions suite to the decision maker.
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	<p>Previously.... Feedback submitted. A copy of HBRC's submission can be found at HBRC Submissions.</p> <p>No update from NCC at time of writing relating to applications status.</p>
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 & Indigenous Biodiversity', 'Natural Features and Landscapes', 'Built Heritage' & 'Greenfield Growth in the Hills'.	Napier City Council	Discussion documents released – public feedback closed 1 May 2020.	<p>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.</p> <p>Submissions lodged separately on Ecosystems and Indigenous Biodiversity, and Greenfield Growth in the Hills. Copies can be found at HBRC Submissions.</p>
May 2019	CHBDC	Central Hawke's Bay District Plan Review CHBDC are undertaking a full review of the District Plan. A new proposed district plan is anticipated to be publicly notified in May 2021.	Central Hawke's Bay District Council	Pre-notification consultation draft district plan released for comment. Comments close 16 April 2021	<p>Planning staff currently reviewing relevant sections of draft district plan. Written comments still to be confirmed.</p> <p>Previously, feedback had been provided on earlier discussion documents. A copy of HBRC's earlier feedback can be found at HBRC Submissions.</p>

Received	TLA	Proposal	Applicant/ Agency	Status	Current Situation
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.

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 .

Received	Proposal	Agency	Status	Current Situation
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"> The Environment Court hearing began on 9 February 2021. Court proceedings were scheduled to adjourn on 19 February 2021. However, due to COVID Level 3 restrictions in Auckland the second week of the Environment Court hearing did not proceed. Hearings have been rescheduled and will commence the week of the 14 June 2021. HBRC staff will provide an update when the Court's decisions on the WCO are made available. <p>For more information, see: https://www.epa.govt.nz/public-consultations/decided/water-conservation-order-ngaruroro-and-clive-rivers/</p>
Various	Marine and Coastal Area (Takutai Moana) Act 2011	Applicants Ngāti Pāhauwera Development Trust, Maungaharuru Tangitū Trust, Ngai Tāhū O Mohaka Waikare, Ngati Parau Hapu (Waiohiki Marae Board of Trustees)	Hearing finished, High Court Judge's decision pending	<ul style="list-style-type: none"> Hearing concluded on the 27th of March No date for decision proposed.

**HAWKE'S BAY REGIONAL COUNCIL
REGIONAL PLANNING COMMITTEE**

Wednesday 14 April 2021

Subject: DISCUSSION OF MINOR ITEMS NOT ON THE AGENDA

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 6.

Topic	Raised by