



Meeting of the Regional Planning Committee

Date: Wednesday 7 July 2021
Time: 11.30am
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.	Follow-ups from Previous Regional Planning Committee Meetings	3
5.	Call for Minor Items Not on the Agenda	7
Decision Items		
6.	Freshwater Management Units	9
12.	Tangata Whenua Representative on Biodiversity Hawke's Bay Advisory Committee – Late item to follow	
Information or Performance Monitoring		
7.	Māori Engagement ahead of Public Consultation on Implementation and Execution of the Coastal Hazards Strategy	25
8.	July 2021 Policy Projects Update	31
9.	July 2021 Statutory Advocacy Update	35
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Decision Items (Public Excluded)		
11.	Confirmation of 10 March 2021 Public Excluded Minutes	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 07 July 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 report "*Follow-up Items from Previous Meetings*".

Authored by:

Leeanne Hooper
TEAM LEADER GOVERNANCE

Approved by:

James Palmer
CHIEF EXECUTIVE

Attachment/s

- 1 [↓](#) Followups for July 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 Plan Change 7 hearings	C Edmonds	Hearing held in December 2020. Three- person Panel of commissioners have been preparing report to issue decisions on behalf of Council. At time of writing, anticipating Panel's decisions on PC7 will be issued in late June. There is a 30 working day period for any submitter to file an appeal with the Environment Court.
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.
3	Minor Items not on the Agenda	Request from Ngati Pahauwera Development Trust for a meeting of all parties with flooding issues to meet to develop a co-management arrangement with scheme policies to mitigate flooding issues caused by blocked Pakuratahi awa mouth	C Dolley	Asset Management staff liaising with Ngati Pahauwera Development Trust directly.

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 regional sector 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 June RPC meeting.

HAWKE'S BAY REGIONAL COUNCIL**REGIONAL PLANNING COMMITTEE****Wednesday 07 July 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."

Recommendations

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

Topic	Raised by

Leeanne Hooper
GOVERNANCE TEAM LEADER

James Palmer
CHIEF EXECUTIVE

HAWKE'S BAY REGIONAL COUNCIL REGIONAL PLANNING COMMITTEE

Wednesday 07 July 2021

Subject: FRESHWATER MANAGEMENT UNITS

Reason for Report

1. This paper follows on from previous discussions at the RPC workshop held on 14 April 2020 to present options for Freshwater Management Units (FMU's) for the region, for consideration and agreement by the Regional Planning Committee. It is intended that an 'in-principle' agreement will be made to provide an option for consultation with tāngata whenua and the community as well as providing a foundation for the development of Kotahi.
2. The National Policy Statement for Freshwater Management 2020 (NPSFM) requires Hawke's Bay Regional Council (Council) to identify Freshwater Management Units for the region, with every water body included in at least one FMU¹. These FMUs are the primary scale for implementing the National Objectives Framework (NOF) of the NPSFM (see Figure 1).

Officers' Recommendation(s)

3. While the NPSFM requires FMUs include every water body in the region to deliver the national objectives framework at the FMU or part of an FMU scale, there are many ways in which FMUs might be defined and delineated. As a principle, FMUs should be set at the largest scale that makes sense for cohesive whole-of-catchment freshwater management (ki uta ki tai), commensurate with the scale and significance of resource management issues. Sub-units and overlays can then be applied to address specific values or needs and management regimes where assessment shows this is necessary. This approach will reduce the complexity of the planning framework and provide an efficient and effective process that meets the requirements of the NPSFM.
4. On this basis, Option 1 which is discussed in detail in the body of this report is recommended by staff. This will result in six FMUs for the region. However, it should be noted that whilst this is the recommendation, all options presented in this paper meet the requirements of the NPSFM.

Executive Summary

1. The NPSFM2020 specifies that every regional council must identify FMUs for its region, and that every freshwater body (including rivers, lakes, wetlands and aquifers must be within at least one FMU
2. In this region, many freshwater bodies are connected via surface and groundwater, as well as by cultural and community connections. However, the FMUs are determined, there will be connections between FMUs, which must be properly considered during plan development. For example, FMU boundaries will not constrain the ability of tāngata whenua to express their values and interests across catchments, and these will be appropriately considered and reflected.
3. Before identifying FMU options and recommendations, consideration was given to how they must be applied. While FMUs form a key part of the freshwater management planning framework, they are not the only tool that will apply.
4. The following principles have been developed from the guidance provided in support of the NPSFM:

¹ NPSFM clause 3.8(1) and (2).

- 4.1. FMUs should relate primarily to catchment boundaries of freshwater bodies, to achieve integrated management on a whole of catchment basis, ki uta ki tai (mountains to the sea)
- 4.2. FMUs should reflect the boundaries of co-governance bodies
- 4.3. Within an FMU, there may be more than one whole catchment, where they have common characteristics and issues, meaning a common management approach may be appropriate
- 4.4. The number of FMUs should achieve a balance between logistical/financial constraints and solutions tailored to local characteristics and values of specific freshwater bodies
- 4.5. FMUs should generally be set at the largest scale that may have a common objective and /or management approach
- 4.6. Other spatial units, such as parts of FMUs, overlays, and specific controls can also be applied where necessary to address specific values, issues or activities.

Background/Discussion

5. The NPSFM requires Council to divide the region into FMUs and to implement a National Objectives Framework (NOF) (see Figure 1) for each FMU, or part of an FMU (i.e. the FMU is the largest scale the NOF must be applied to, but smaller scales are also possible).
6. A freshwater management unit means all or any part of a water body or water bodies, and their related catchments, that a regional council determines is an appropriate unit for freshwater management and accounting purposes; with part of an FMU meaning any part of an FMU including, but not limited to, a specific site, river reach, water body, or part of a water body².
7. Two key changes to the NPSFM 2020 definition and application compared to the NPSFM 2014 (amended 2017) version are:
 - 7.1. An FMU now includes the related catchments of water bodies as well as water bodies themselves
 - 7.2. All steps of the NOF can be applied at the FMU, or part of an FMU (sub-FMU) scale. This makes the FMU the largest scale and provides flexibility to apply smaller scales where necessary.

² NPSFM, clause 1.4, page 6.

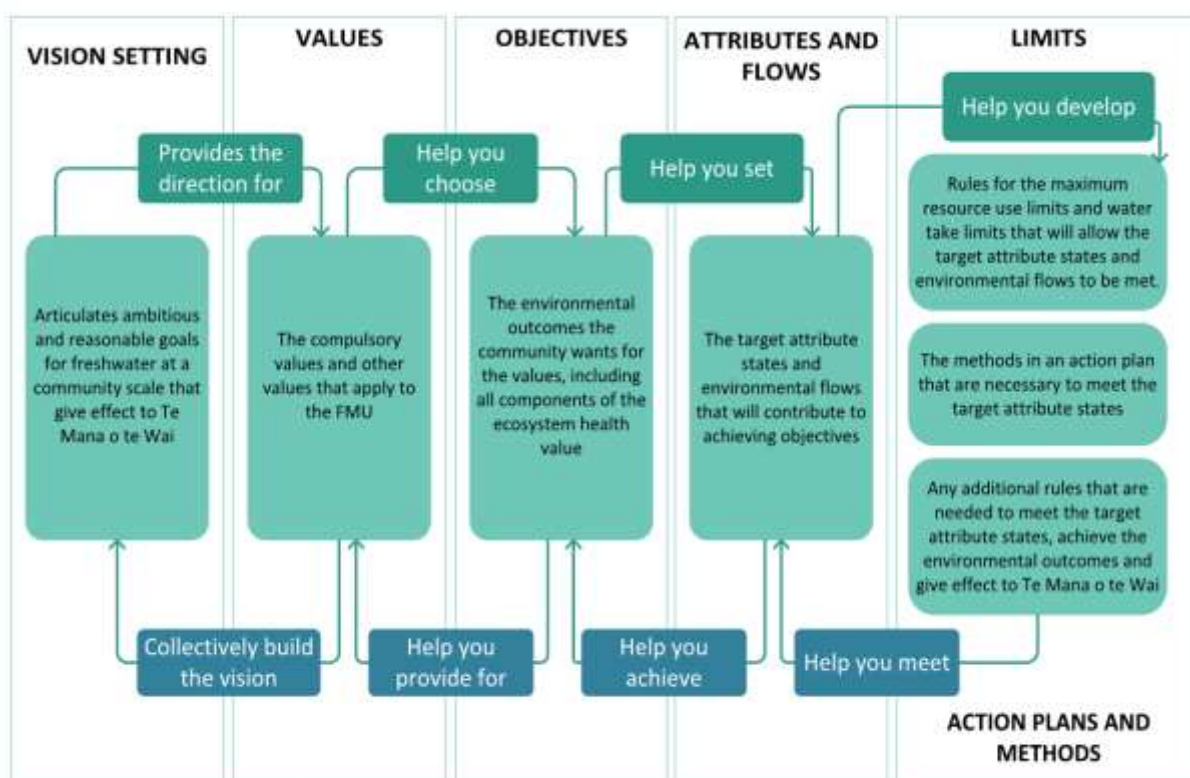


Figure 1: National Objectives Framework set out by the National Policy Statement for Freshwater Management 2020, sub-part 2

8. Council must identify FMUs for the region, and every freshwater body (including rivers, lakes, wetlands and aquifers) in the region must be within *at least one* FMU.
9. The nature of freshwater bodies and their catchments varies across the region. So do the values and uses they support, the tāngata whenua and community connections, and the resource management issues within them. Water bodies may also be interconnected with each other via ground and surface water, as well as via social and cultural connections. Setting FMUs involves creating a division between groups of water bodies on paper, for the purpose of setting freshwater management planning and reporting frameworks. Importantly the connections that exist (that do not form the basis for the FMU delineation) must still be recognised and their implications considered during the planning process. Furthermore, while FMUs will be a key part of the spatial framework for freshwater management in the region, they are not the only spatial layer that will be considered during plan development or applied in Kotahi. This paper presents draft FMU options for the region following the general direction discussed previously and explains other spatial layers that may form part of the freshwater management approach in Kotahi (paragraph 24).
10. FMU setting is needed early in the planning process, as other parts of the Kotahi structure and content “hang” from these. However, until that whole framework develops, the implications of the FMUs may not be fully understood. For this reason, FMUs should remain an in-principle decision but require a strong sense of direction from the RPC so that staff can then engage with tāngata whenua and the community.

How are FMU's used?

11. Under the NPSFM 2020, Council must apply the following at an FMU, or part of an FMU scale:
 - 11.1. Te Mana o te Wai hierarchy of obligations (when implementing the NOF)
 - 11.2. Identify compulsory values (and components of Ecosystem Health) that apply
 - 11.3. Identify Māori freshwater values

- 11.4. May identify other values that apply including NPSFM Appendix 1B values
- 11.5. Set long-term visions (as objectives in Kotahi) expressing what tāngata whenua and communities want the FMU, part of the FMU or catchment to be like in the future
- 11.6. Identify an environmental outcome for every value
- 11.7. Include environmental outcomes as an objective, or multiple objectives in Kotahi
- 11.8. Use all compulsory attributes that apply, and other attributes (or assessment criteria) for values – identify baseline and current state
- 11.9. Prepare action plans (where necessary)
- 11.10. Set environmental flows, levels and take limits
- 11.11. Identify methods for monitoring progress towards achieving target attributes states and environmental outcomes
- 11.12. Identify sites to be used for monitoring, outstanding waterbodies, primary contact sites, natural inland wetlands, and the location of habitats of threatened species within each FMU
- 11.13. Monitor at sites that are either or both (a) representative of the FMU or relevant part of the FMU (b) representative of one or more primary contact sites in the FMU
- 11.14. Take action to halt or reverse degradation
- 11.15. Operate and maintain a freshwater quality and a freshwater quantity accounting system, at a level of detail commensurate with the significance of the water quality or quantity issues
- 11.16. Assess and report current state of attributes compared with target attribute states (TAS), and whether TAS and environmental outcomes are being achieved; when they are likely to be achieved and likely causes of any degradation. Describe pressures and cumulative effect of multiple changes across multiple sites and attributes.

Other Regional Council Approaches

- 12. There is no single approach to delineating FMUs. Across New Zealand, different approaches and rationale have been taken and the resulting number of FMUs varies markedly. Furthermore, several regional councils are considering their approach now, and discussions between councils continues.
- 13. While most FMUs identified to date are based on freshwater body catchment boundaries, some are set at the whole catchment scale, and some at sub-catchment scale. For example, Waikato Region Council has identified eight FMUs in the Waikato and Waipa River catchments. If they use a similar approach across the rest of the region it may result in more than 20 FMUs for the region. Otago Regional Council has eight large FMUs. Canterbury Regional Council has ten large zones with multiple units within each, some of which are called FMUs. Similarly, Gisborne divides large catchments into multiple freshwater management units (sub-catchments), each with some distinct values and uses. Southland Regional Council has just five FMUs, with multiple sub-units. Northland Regional Council appears to have set default region wide measurable water quality standards for classes of water bodies, which they have called their Freshwater Management Units. It is unclear whether these were derived in a way that is compliant with the values-based approach set in the NPSFM 2020.
- 14. The latest amendments to the NPSFM enable implementation of the National Objectives Framework at an FMU *or part of an FMU* scale. This enables Council to identify the FMU at a largest common scale at which objectives and other steps can be applied, but to also be applied at smaller units if necessary. The new requirement to set a vision for each FMU or part of an FMU within a Regional Policy Statement may drive a more

strategic approach, given the Regional Policy Statement generally addresses matters of regional significance.

Principles/Criteria

15. There is no single way to define FMUs. However, the following principles have been drawn from the NPSFM and guidance material:
 - 15.1. **FMU boundaries should relate primarily to catchment boundaries of freshwater bodies**, rather than to social or cultural boundaries, so as to achieve integrated freshwater management on a whole of catchment basis, ki uta ki tai (mountains to the sea)³. Thus, the whole surface water catchment of one (or more) sensitive receiving environment/s (lakes, estuaries, harbours) would be included within one FMU. In Hawke's Bay we have clearly defined catchments that are well known and understood by a large proportion of our community
 - 15.2. **FMUs should reflect the catchment boundaries of co-governance bodies.** Co-governance bodies and river documents established under treaty settlement legislation have a legislated role in setting direction for freshwater management, which must be responded to during RMA plan making. There are a number of Treaty Settlement documents for the region, and it is hoped that the co-governance of the RPC provides direction in respect of the appropriateness of the FMU delineation
 - 15.3. **Within an FMU, there may be more than one whole catchment**, where they have characteristics (e.g., biophysical, social and cultural values, land and water use) in common, and the scale and nature of resource management issues is sufficiently similar, such that a common objective and/or management approach may be appropriate. Options in respect of the FMU boundaries are discussed in more detail in this paper
 - 15.4. **The number of FMUs should achieve a balance between Kotahi/administrative simplicity and bespoke solutions.** It is desirable to have an efficient, clear and uncomplicated regulatory, monitoring and reporting freshwater management framework. On the other hand, a more tailored approach might respond to locally specific characteristics of freshwater bodies, their catchments, and specific values held by tāngata whenua and communities. It should be noted that costs for establishing a monitoring site to meet FMU requirements is approximately \$100,000 per site, plus ongoing resourcing, and staff costs. Options for delineation are discussed further in this paper
 - 15.5. **FMUs should generally be set at the largest scale** that may have a common objective and /or management approach to achieve consistency and reduce repetition in Kotahi. This is also a specific consideration for tāngata whenua, as the cultural values which are to be monitored will require input from tāngata whenua and likely to have resourcing implications (time, people, capability).
 - 15.6. **Other spatial units** such as parts of FMUs (henceforth called sub-FMUs), overlays, and specific controls can also be applied within FMUs to deliver specific objectives, policies, rules and/or methods, where necessary to address specific values, issues or activities.
16. Note that groundwater extents differ from surface water catchments but can be managed in alignment with surface water catchment boundaries. Thus, groundwater bodies lying beneath each FMU can be considered to be "in" the FMU, i.e., the requirement for every water body in the region to be located within at least one FMU is met.

Current state, baseline state, target attribute state and monitoring

17. While there are monitoring sites in most major rivers and lakes, we do not have them for all small-medium rivers draining to the sea or to lakes. Council's science team will need

³ As directed by NPSFM Policy 3 and clause 3.5(1).

to consider how representative current monitoring sites within each FMU are of the water bodies within that FMU. For example, a site in the lower reaches can be used to monitor state of water quality in the catchment resulting from all (cumulative) inputs from catchment land and water uses, and total catchment contaminant loads, but may not represent the state of tributaries in the upper part of a catchment, or forested parts of the catchment, and it may not indicate sources of contaminants (which might require further monitoring or modelling upstream). Furthermore, the state of some attributes (e.g., sediment or periphyton) in one tributary may differ from another with similar land and water use, due to different geology or slope.

18. No single monitoring site will be representative of all things, and it is not feasible to monitor all aspects of an FMU. Some rationalisation and monitoring will be needed, and models will be used to estimate what is happening across whole catchments and FMUs. Larger scale FMUs provide more flexibility to work through and develop appropriate monitoring plans within each FMU.

Relationship between FMU's and groundwater

19. Within each FMU, the hydrogeological units present (beneath) will be identified. Groundwater use and protection overlays, with objectives and take limits can be set to manage the effects of groundwater take and use on groundwater levels, saline intrusion, and base-flow in to surface water bodies. Likewise, land use and discharges can be managed to address effects on groundwater and surface water quality. This enables groundwater management to be linked with land and water use, and surface water objectives within each FMU.
20. Establishing separate groundwater FMUs was considered, but this approach would be unnecessarily complex, because:
 - 20.1. Each FMU would require a chapter in Kotahi to comply with National Planning Standards
 - 20.2. For each FMU, a vision must be set in Kotahi, based on community values and uses. Given this is highly likely to be closely tied to the vision for surface water values, it makes little sense to set strategic visions for each hydrogeological unit. Instead, any groundwater related aspect can be integrated with the visions for the FMUs.

FMU's – one part of the spatial puzzle

21. FMUs form a key spatial delineation for freshwater management, but they are not the only spatial unit that will be used in Kotahi for freshwater management. Sub-FMUs (part of an FMU), overlays and special controls could be used for different purposes, to achieve effective and efficient sustainable management of fresh water. This enables specific objectives, policies and methods to be set where needed to protect particular special values or manage a particular group of activities and effects. The need for specific areas and provisions will need to be weighed against the additional implementation complexity.
22. As a general principle, objectives, policies, limits, rules and methods will be applied at the largest scale relevant and should not be repeated at a smaller or more specific scale. Those that apply to a sub-FMU or overlay will be set to address particular values, activities or effects. Some potential examples are listed in Table 2⁴.

⁴ The National Planning Standards enable regional plans to include freshwater management units, catchments areas, overlays and special controls, but not zones.

Table 2: Other potential spatial units that may be applied in Kotahi in addition to FMUs

Potential Spatial Units	Examples that could be used in Kotahi – concept only, for the purpose of illustrating how multiple spatial layers can apply
Sub-FMUs (i.e., part of an FMUs)	
Generally, a sub-FMU defined by physical catchment boundaries of a water body or part of a water body.	Tributaries or small streams within an FMU where specific values justify a specific objective and Target Attribute States that are different from the rest of the FMU. e.g., <i>small coastal streams</i> within the Wairoa FMU could be a sub-FMU. e.g., Lake Tutira could be a sub-FMUs.
Management or Protection Overlays	
Distinct areas mapped and defined, in order to manage specific effects, activities or uses, or to protect specific values. Enables creation of a bundle of activities considered generally appropriate or inappropriate, or a series of constraints or enabling provisions in each area. Could cross multiple FMUs or could lie within one.	<p>Protection overlays, where a particular value or use is to be protected or specifically provided for, e.g., drinking water supply area, high mahinga kai value area, groundwater recharge areas, natural state areas, threatened species protection, whitebait spawning, riparian margins, significant cultural value, etc....</p> <p>Examples:</p> <ul style="list-style-type: none"> • <i>Outstanding water bodies</i> overlay – protection objectives and policies • <i>Threatened species habitat</i> overlay – protection objectives and policies <p>Activity management controls/overlays. Specific objectives, policies and rules may apply to activities in these areas to address a range of effects that are particular to those areas.</p> <p>Examples:</p> <ul style="list-style-type: none"> • <i>Lowland drainage areas</i> - focus on managing effects of land use and drain management (across multiple FMUs). Restore more natural morphology and habitat. Actively manage rural land use contaminants, active drain management. Acknowledge a level of loss of ecological health as a result land drainage and use is long term, but avoid making it worse and improve over time. • <i>Natural state overlays</i> – upper catchment permanently forested headwaters where water and land use might be controlled to maintain near natural state ecological health as a priority over other uses (across multiple FMUs). • <i>Urban controls</i> - focus on managing heavy metals and other urban contaminants, stormwater discharges, hydrological effects of imperviousness. Objectives would need to acknowledge a level of loss of ecological health as a result of urbanisation is long term but avoid making it worse and work towards improving over time. <p>Allocation catchments/areas: <i>Surface water allocation</i> catchments, <i>groundwater allocation</i> areas, <i>nutrient allocation</i> catchments or areas – where a particular take limit and environmental flow/level applies, and allocation status is accounted for and reported.</p>

Risks and mitigations

Table 3: Risk and Mitigations below, looks at a number of delineations options and considers the risks and mitigations associated with different options

	Risk	Mitigation
Large and fewer FMUs	FMUs are relatively large, and objectives may not sufficiently pick up the key distinctions, issues and management responses needed at a local level.	The NPSFM 2020 clearly enables HBRC to apply the NOF to an FMU or any part of an FMU, so sub-units can be set if it becomes clear they are needed. There be a clear explanation of what are the implications for Tāngata whenua. As the NPSFM program unfolds sub-units can be applied within FMUs, and overlays across the region, where appropriate.
Small and greater number of FMUs	FMUs may be too small and result in repetitive provisions in Kotahi, and excessive monitoring, reporting and accounting requirements that don't reflect the scale or significance of the freshwater management issues. Another risk is that, with too many FMU's, we fail to deliver by the 2024 deadline.	The preferred option is to set bigger FMUs and assign sub-units if it becomes apparent that more specific provisions are needed to address specific freshwater management issues.
FMUs chosen for specific (single) values rather than multiple representative values	Desire for a more detailed level of specific provision for interest areas, e.g., a small sub-catchment or reach could create a level of detail sought through monitoring that goes above and beyond the requirements of the NPSFM – potential risks in terms of resourcing (time and people), and costs associated with this that are unable to be met. Unlikely to be representative of the wider area.	Consider the scale and significance of the values and issues in the small area/sub-catchment compared to the rest of the FMU and across the region. Assess whether very specific monitoring, reporting objectives, and methods (including regulation) are appropriate. An alternative is to support local community led monitoring and action, develop localised action plans where appropriate. Ensure any data we have can be collated at a site level, not just at a whole of FMU level.

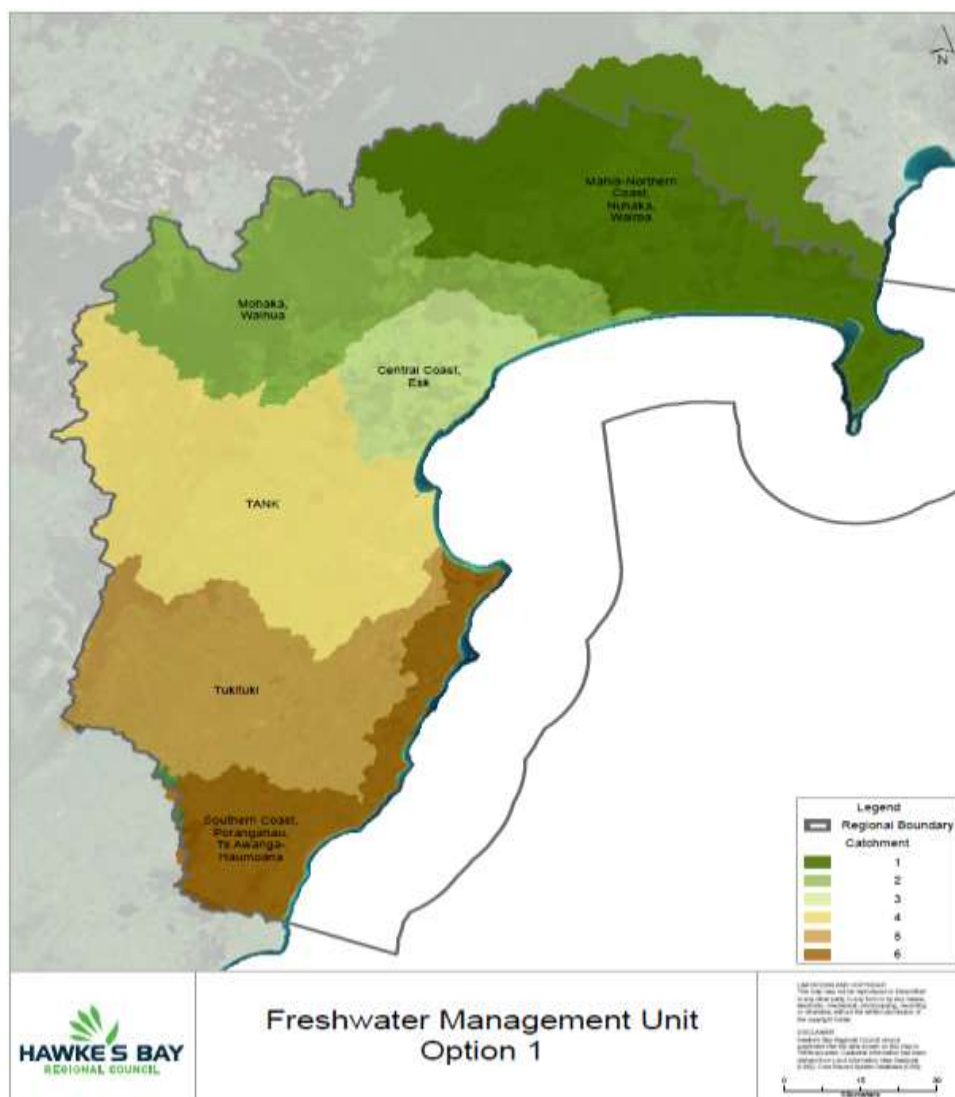
Options Assessment

23. Three catchment-based options for FMUs have been summarised and assessed. In all cases:
 - 23.1. Collaboration with iwi and hapū can and will be focussed on all of the water bodies they have an interest in, whether they are in one FMU or multiple. Their cohesive input, in accordance with their whakapapa and heritage will need to be considered and reflected appropriately in each relevant FMU. Ideally, collaboration between iwi and hapū with interests in an FMU will result in commonly agreed advice regarding vision, values and objectives for FMUs and sub-FMUs
 - 23.2. Council is able to apply vision, values, objectives, limits and methods to any part of an FMU (as well as at the FMU scale) where this is found to be appropriate after exploring values, objectives and management requirements with tāngata whenua, stakeholders and the community

- 23.3. Connections between each FMU, coastal receiving environments, and groundwater hydrogeological groups must be identified and considered⁵.
- 23.4. The boundaries in the TANK catchments could be amended to include the lower Clive river in the Ngaruroro catchment as indicated by the red line in the attached image.
- 23.5. Although the catchment areas to the north of the region which are outside of the Hawke's Bay Region are shown on the maps, they would not be included in the FMU's or the management of such (the maps show the catchments in their entirety) and the FMU's would follow the regional boundaries as shown by the grey line on the maps.
24. Other options that are not catchment based are not recommended as they do not appear to be appropriate in light of NPSFM policy direction to achieve integrated freshwater management, on a whole of catchment basis, ki uta ki tai⁶.

Option One

25. Option One follows the principle of setting the FMU's at the largest practical scale that have a common objective or management approach. The image below shows the proposed FMU's where similar catchments are grouped together to form a set of six FMU's. Notably the TANK catchments are grouped together in one FMU.

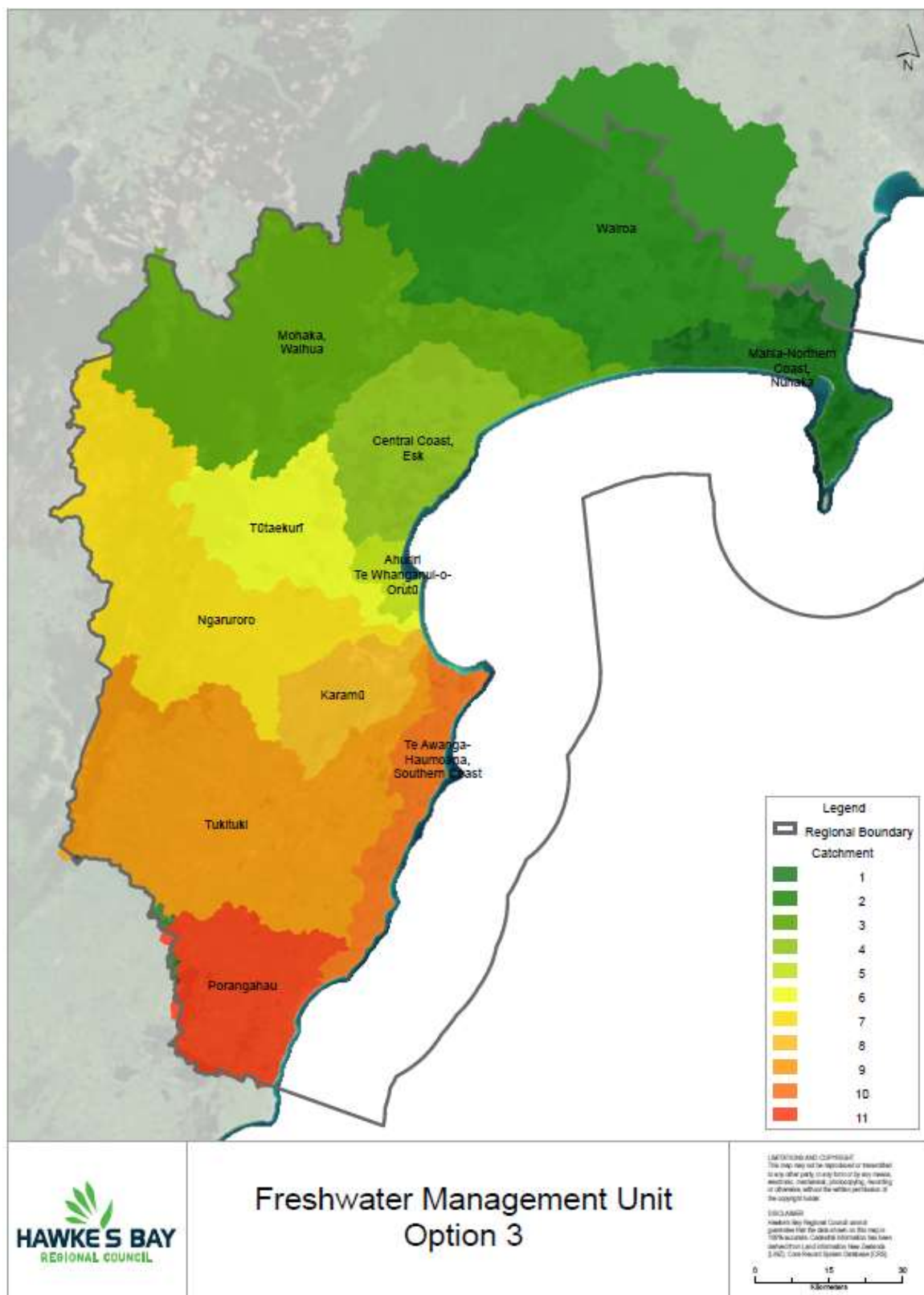


⁵ NPSFM, clause 3.5(1)

⁶ Particularly NPSFM Policy 3 and clause 3.5.

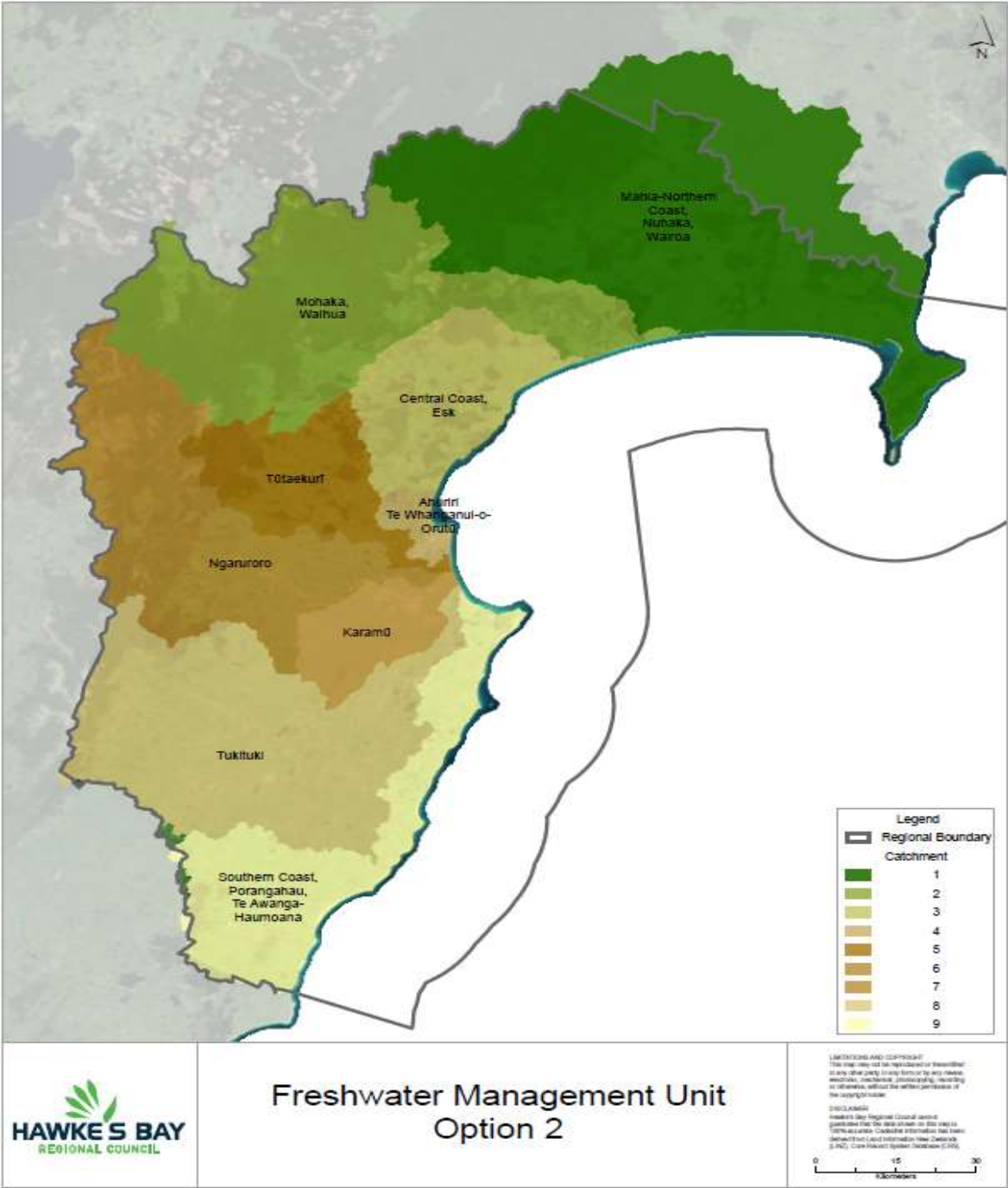
Option Two

26. Option Two follows the principle of setting FMUs in relation to catchment boundaries of freshwater bodies, achieving integrated management on a whole of catchment basis, ki uta ki tai (mountains to sea) as directed by NPSFM Policy 3 and clause 3.5(1). The image below shows the proposed FMUs based on catchment boundaries, with a total of 11 FMU's. The TANK catchments are split into four distinct FMUs.



Option Three

27. Option Three is a hybrid of both Option One and Two, with the TANK catchments split into distinct FMUs while Wairoa and Northern Coast catchments are combined as one FMU and Pōrangahau and Southern Coast catchment are combined into a single FMU also, resulting in nine FMUs in total.



28. The three options outlined above are compared in Table 4 below.

Table 4: Options for delineating surface FMU's

FMU Options	Description	Advantages	Disadvantages
Option 1: FMUs set at the largest possible scale 6 FMUs	The FMU's would be set at the largest possible scale with the Tūtaekurī, Ngaruroro, Karamū, and Ahuriri catchments continuing to be clustered together under one FMU (TANK)	<ul style="list-style-type: none"> Reasonably familiar to the public. Generally, include whole catchments, ki uta ki tai (with TANK combining multiple whole catchments). Those FMU's that include just one large river catchment would have a clear vision, set of objectives and policies at the whole of catchment scale, and there would be flexibility to set specific provisions for parts of FMUs to address any specific values or activities where necessary. Where different receiving environments exist within an FMU, these could be addressed in the Kotahi as parts of the FMU (i.e., sub-FMUs). 	<ul style="list-style-type: none"> Some FMUs have multiple catchments that are quite different and unlikely to have common objectives, so there is not a clear reason to combine them, e.g., the Karamū is different to the other three catchments within the TANK group, i.e., the Ahuriri catchment will have objectives based on supporting sensitive estuarine receiving environments.
Option 2: FMUs set at a catchment boundary level 11 FMUs	Similar to Option 1, with the division of the Tūtaekurī, Ngaruroro, Karamū, and Ahuriri catchments into four distinct FMUs, the Wairoa, Northern Coast, Southern Coast and Porangahau catchments would all be separated	<ul style="list-style-type: none"> Able to respond to the different conditions and pressures on the TANK catchments at an individual catchment level By defining Northern Coast, Wairoa, Southern Coast and Porangahau as individual FMUs it acknowledges the different communities in those catchments and their potentially distinct visions for their waterways. 	<ul style="list-style-type: none"> Plan complexity is potentially greater than for Option 1, resulting in an increase from 6 to 11 FMUs. With this option Kotahi will have at least 11 visions and 11 separate FMU chapters.
Option 3: Hybrid model between Option 1 and 2 9 FMUs	The four TANK catchments would be divided into distinct FMUs whilst the Wairoa and Northern Coast catchments would be combined into one FMU, as would the Southern Coast and	<ul style="list-style-type: none"> Would provide a smaller number of catchments, thus less visions and chapters than in Option 2. Grouping Wairoa and Northern coast into one FMU and Southern Coast and Porangahau into another would 	<ul style="list-style-type: none"> Plan complexity is potentially greater than for Option 1, resulting in an increase from 6 to 9 FMUs. In this option Kotahi will have at least 9 visions and FMU chapters. The variable size of FMUs within the region may be perceived as

FMU Options	Description	Advantages	Disadvantages
	Porangahau Catchments.	acknowledge that the FMU's share the same issues, hydrological features and land uses, with the same management approaches taken.	inappropriate and may drive requests for more, small catchment scale sub-FMUs within the FMUs.

Considerations of Tangata Whenua

29. Multiple rohe exist and overlap within many freshwater catchments, and may cross multiple catchments and FMUs, or sit within one. When HBRC collaborates with iwi and hapū, discussions are able to traverse all water bodies within their respective rohe and can consider implications up and down-stream of a rohe. Some consideration was given to FMUs based on rohe boundaries, but this would have resulted in multiple overlapping FMUs. This is not considered practicable as the outcome would be multiple objectives for the same body of water. Likewise, several water bodies would be dissected.
30. The recommended option enables all iwi and hapū with interests in a whole catchment, ki uta ki tai, to work together collaboratively to advise on one approach, however we understand that there may be instances for each group to advise separately, requiring Council to collate, assess and recommend options for iwi/hapū comment.
31. Council is in the process of continuing to build collaborative relationships with tāngata whenua for the Essential Freshwater Policy Programme, which will include discussing the National Objectives Framework steps (vision, objectives, etc). We will need to remain flexible about sub-units as the NOF process will be iterative and sub-units may need adjustments. In some cases, specific cultural values may necessitate a special sub-unit with specific management approaches, and this is enabled by both options. Both options allow FMUs to apply to whole catchments, which aligns with the Te Ao Māori concept of ki uta ki tai.
32. It is likely that there will be resourcing implications for iwi and hapū involved in these processes that will need to be considered.

Decision Making Process

33. 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:
 - 33.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
 - 33.2. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

Recommendations

That the Regional Planning Committee:

1. Receives and considers the "Freshwater Management Units" staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that the Committee can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.

3. Considers the three Options and adopts staff recommendation, Option 1, resulting in six FMU's noting that this remains an in-principle decision, but is important to set this as an intended approach for the development of Kotahi and to provide staff with a preferred position to inform discussions with tāngata whenua and the community during consultation and plan.

Authored by:

Nichola Nicholson
POLICY PLANNER

Ceri Edmonds
MANAGER POLICY AND PLANNING

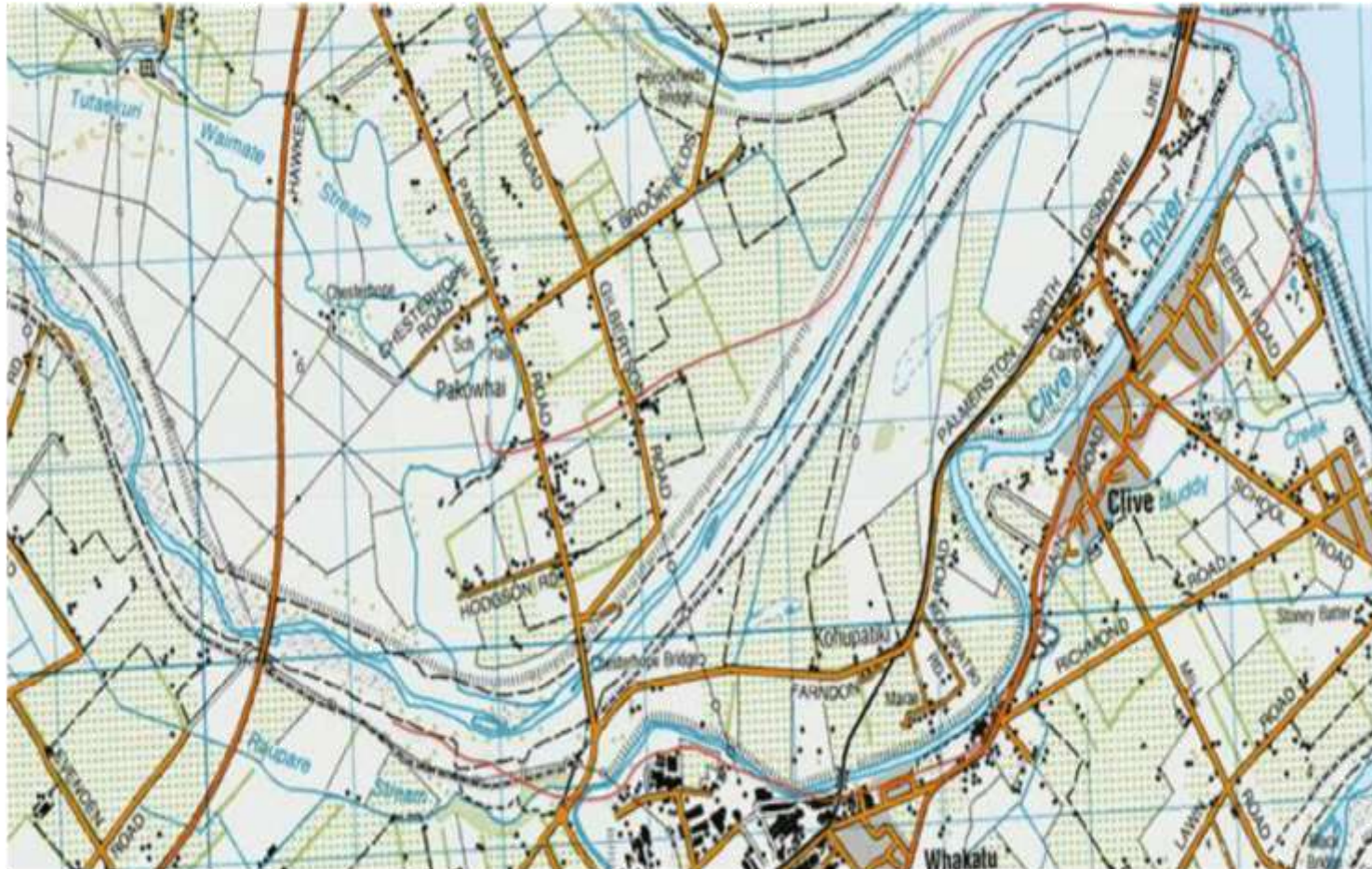
Approved by:

Katrina Brunton
**GROUP MANAGER POLICY &
REGULATION**

Attachment/s

- 1 [!\[\]\(97faa0168e491544be255cfcab218e9b_img.jpg\)](#) Clive river included in Ngaruroro catchment

Clive river included in Ngaruroro catchment – Refer par 23.4 in the cover paper



HAWKE'S BAY REGIONAL COUNCIL
REGIONAL PLANNING COMMITTEE

Wednesday 07 July 2021

**Subject: MĀORI ENGAGEMENT AHEAD OF PUBLIC CONSULTATION ON
IMPLEMENTATION AND EXECUTION OF THE COASTAL HAZARDS
STRATEGY**

Reason for Report

1. This report outlines a proposal for engaging with mana whenua ahead of formal consultation on the implementation and execution of the Clifton to Tangoio Coastal Hazards Strategy 2120 in early to mid-2022, seeking the Committee's feedback.

Executive Summary

2. Formal consultation on the Clifton to Tangoio Coastal Hazards Strategy implementation and execution is tracking toward a public consultation process in the form of a proposed Long Term Plan amendment in the first half of 2022. Ahead of that wide public consultation process, a pre-consultation step is considered important to ensure that mana whenua is appropriately recognised and informed about the proposal and able to provide feedback into the process before formal consultation commences.

Background

3. The Strategy represents a coordinated approach to identifying and responding to coastal hazards and the influence of sea level rise over the next 100 years. It provides a platform for long-term planning and decision making.
4. The Strategy is a collaboration between Napier City, Hastings District and Hawke's Bay Regional councils, mana whenua and communities along the Hawke's Bay coast from Clifton to Tangoio.
5. The vision of the Strategy is for coastal communities, businesses and critical infrastructure from Tangoio to Clifton to be resilient to the effects of coastal hazards.
6. The Strategy:
 - 6.1. Covers the coastal area between Clifton to Tangoio
 - 6.2. Seeks to develop a planned response to coastal hazards out to the year 2120
 - 6.3. Assesses and plans response to the following coastal hazards
 - 6.3.1. Coastal erosion (storm cut, trends, effects of sea level rise)
 - 6.3.2. Coastal inundation (storm surge, set-up, run-up, overtopping and sea level rise)
 - 6.4. Incorporates climate change as an overriding influence.
7. Through an intensive community engagement process with assessment panels, the Clifton to Tangoio Coastal Hazards Strategy 2120 document has outlined short, medium, and long term adaptive pathways for each section of the coast (see example adaptive pathway in Figure A following, and sections of the coast in Figure B). An adaptive pathway sets out a plan for the future based on what we know now, but recognises that the future is highly uncertain, and provides flexibility to shift and adapt as new information becomes available.

Short term (0 – 20 years)	→	Medium term (20 – 50 years)	→	Long term (50 – 100 years)
Beach Renourishment	→	Renourishment + Groynes	→	Managed Retreat

Figure A

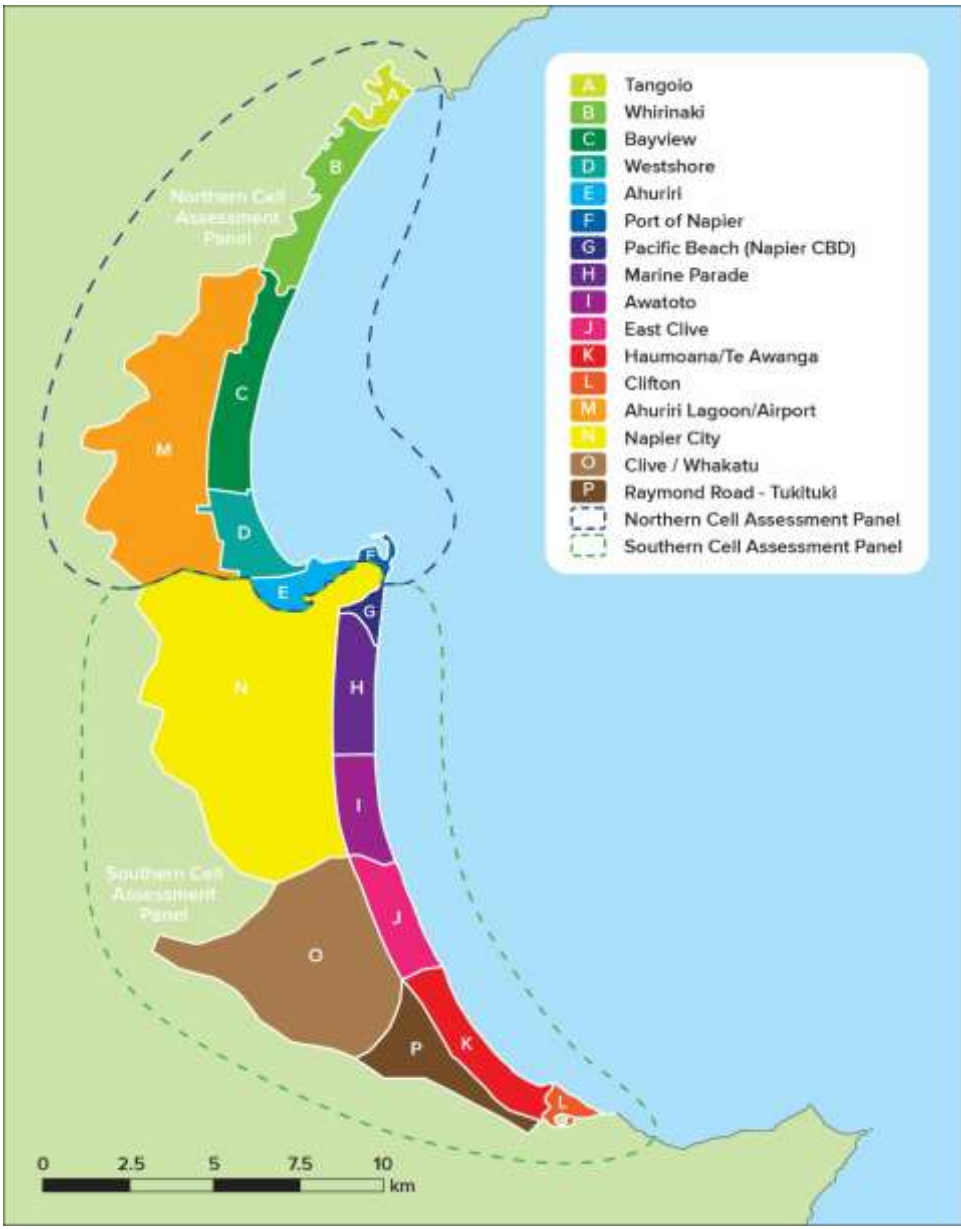


Figure B

8. The Strategy is now in Stage 4 of a four-stage development process that began in late 2014 (see Figure c).



Figure C

9. While significant progress has been made and the project is seen nationally as a leading example of coastal hazards and climate change planning, key challenges remain.
10. Principle among these is seeking agreement between the Partner Councils on funding mechanisms for Strategy implementation. While the Joint Committee has resolved to recommend the formation of a Coastal Contributory Fund, agreement between Partner Councils on the implementation of such a fund has not yet been reached.
11. At a workshop on 30 April 2021, the Joint Committee received a report from Raynor Asher QC with recommendations, based on current law and practical and administrative considerations, that the Regional Council lead the implementation and funding of the Strategy. This provides clarity of roles and a clear path to implementing outcomes confirmed by the Strategy. The Joint Committee considered the report on Friday 4 June, resolving the following recommendations to the Partner Councils.
 - 11.1. The Clifton to Tangoio Coastal Hazards Strategy Joint Committee endorses the findings of the review undertaken by Mr Raynor Asher QC titled “Review and Recommendations for the Clifton to Tangoio Coastal Hazards Strategy Joint Committee”, including the following key recommendations:
 - 11.1.1. That the Hawke’s Bay Regional Council takes charge of all aspects of the prevention and mitigation of coastal hazards on the Clifton to Tangoio coast
 - 11.1.2. That the Napier City Council, Hastings District Council and Hawke’s Bay Regional Council enter into a memorandum of understanding setting out agreed positions on this arrangement
 - 11.1.3. That an advisory committee is formed by elected representatives from Napier City Council, Maungaharuru-Tangitū Trust, Hastings District Council, Mana Ahuriri, Hawke’s Bay Regional Council and Heretaunga Tamatea Settlement Trust to support forward work
 - 11.1.4. That a Transition Plan is prepared to set out the timing and orderly process of transitioning functions to the Hawke’s Bay Regional Council in accordance with the terms set out in the memorandum of understanding.
 - 11.2. The Clifton to Tangoio Coastal Hazards Strategy Joint Committee recommends that the Napier City Council, Hastings District Council and Hawke’s Bay Regional Council agree in principle to the findings of the Funding Review for the purposes of commencing consultation under s.16 of the Local Government Act 2002.
12. The Technical Advisory Group (TAG) is continuing to advance Stage 4, through five workstreams – regulatory, governance, funding, design, and triggers. TAG is currently engaging with the community through a series of workshops, which began in November 2020.

Mana whenua engagement

13. Mana whenua engagement has been a critical part of the development of the Strategy, including:
 - 13.1. Mana whenua representation on the panels:
 - 13.1.1. Kaitiaki o te Roopu for both Northern and Southern panels – Aramanu Ropiha
 - 13.1.2. Northern Panel Mana Whenua reps – Hoani Taurima and Garry Huata
 - 13.1.3. Northern Panel – Tania Hopmans, Observer (Maungaharuru-Tangitū Trust Incorporated) and Tania Huata, Observer (Mana Ahuriri Incorporated)
 - 13.1.4. Southern Panel Mana Whenua reps – Aki Paipper and Te Kaha Hawaikirangi
 - 13.1.5. Southern Panel - Peter Paku (Heretaunga Tamatea Settlement Trust).
 - 13.2. Letters were sent out to Iwi representatives to provide a strategic overview and to seek interest in involvement

- 13.3. An Assessment of Cultural Values Report Coastal Hazards Strategy 2120 Clifton to Tangoio – Mai Te Matau a Māui ki Tangoio was written by Aramanu Ropiha in 2017. The report was peer reviewed by Maungaharuru-Tangitū Trust, Mana Ahuriri Incorporated and He Toa Takitini.
- 13.4. As well as the Cultural Values report, a cultural Wānanga and Hīkoi was arranged for panel members. This was hosted by Matahiwi Marae on 1 July 2016 and was facilitated by both Pat Parsons and Aramanu Ropiha. As part of the hīkoi the Panel members were taken on a bus tour of the entire Strategy area, with particular reference to historical use, occupation and sites of significance.
14. As part of the technical assessment criteria, mana whenua representatives were asked to 'score' the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. The Mana Whenua Representatives recorded the following overriding factors that informed their scoring of pathways against the cultural criterion:
 - 14.1. Preferred that a beach be maintained where possible for coastal access/ use
 - 14.2. Accept that in general we should let nature take its course in preference to hard intervention
 - 14.3. Preferred that the coast is held/ returned to a natural state, as much as possible – the 'vista' is important (remove sea walls)
 - 14.4. Prefer not to split communities artificially (e.g. retreat the line picks winners)
 - 14.5. In general, no sites of historic significance are considered to be affected by the pathways as they have been developed for the Southern Cell priority units, however there is an urupā in the Whirinaki unit in current use (Petane Marae)
 - 14.6. Desire to see historic values recognised/ commemorated as part of any future coastal works.
15. The TAG intends to continue to advance each of the workstreams in Stage 4. Once this work is complete, and funding arrangements are confirmed, a draft Strategy will be released for public consultation.

Discussion

16. The Strategy is currently tracking towards a wider public consultation process (in the form of a proposed Long Term Plan amendment) in the first half of 2022.
17. A mana whenua engagement plan has been developed to outline how the Strategy proposes to engage with mana whenua in the lead up to the formal consultation process.
18. This pre-consultation step is considered important to ensure that mana whenua is appropriately recognised and informed about the proposal and able to provide feedback into the process before formal consultation commences.
19. There are multiple parties to engage with ahead of consultation, including:
 - 19.1. Post Settlement Governance Entities (PSGEs) – Maungaharuru Tangitū Trust, Mana Ahuriri Trust and Heretaunga Tamatea Settlement Trust⁷
 - 19.2. Two of the four Ngāti Kahungunu Taiwhenua are relevant in this consultation – Te Taiwhenua o Te Whanganui ā Orotu and Te Taiwhenua o Heretaunga
 - 19.3. Affected marae as defined in paragraph 24
 - 19.4. Māori land block owners (as a separate process ahead of consultation in March 2022).
20. Council staff propose a staggered engagement approach with presentations to the Māori Committee (MC), comprised of three representatives from each of the four Taiwhenua across our region, and the Regional Planning Committee comprising appointees from 8 of

⁷ Each of these three PSGEs has a representative on the Clifton to Tangoio Coastal Hazards Strategy Joint Committee

the 9 PSGEs across the region and councillors. It is proposed for the Regional Planning Committee that one or all three PSGE representatives on the Clifton to Tangoio Coastal Hazards Strategy Joint Committee will take an introductory lead on this agenda item. The purpose of the engagement is to gain feedback on the approach moving forward.

20.1. Māori Committee: presented on 9 June 2021

20.1.1. Note the feedback from the Māori committee was that the Kaitiaki appointed group “Te Matau a Māui” should be included as one of the consultation parties.

20.2. Regional Planning Committee: to be presented on 7 July 2021.

21. The presentation will include:

21.1. Background of the strategy and context for consultation

21.2. An overview of the proposed engagement approach

21.3. Impact on specific marae

21.4. Triggers and thresholds

21.5. Coastal ecology.

22. We want to take this presentation to the relevant PSGEs separately and seek Regional Planning Committee support to do so.

23. Following this presentation to the RPC, we will collate feedback and make changes as needed to either the presentation or the approach.

24. We propose to approach the seven marae we have identified as being potentially impacted (directly or indirectly) by coastal hazards. If possible, we would like to attend one of the marae committee meetings between September and November 2021:

24.1. Tangoio

24.2. Petane

24.3. Matahiwi

24.4. Kohupātiki

24.5. Ruahapia

24.6. Waipatu

24.7. Waiohiki.

25. After meeting with marae we will set up regular communication in the form of a newsletter and confirm that we will return for formal consultation in March 2022.

Next Steps

26. Receive and incorporate feedback from the Regional Planning Committee on the engagement approach before engaging further with PSGEs or marae.

Decision Making Process

27. 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 considers the “*Māori Engagement ahead of Public Consultation on Implementation and Execution of the Coastal Hazards Strategy*” staff report.

Authored by:

**Rebecca Ashcroft-Cullen
COMMUNICATIONS ADVISOR**

Approved by:

**Chris Dolley
GROUP MANAGER ASSET
MANAGEMENT**

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL
REGIONAL PLANNING COMMITTEE

Wednesday 07 July 2021

Subject: JULY 2021 POLICY PROJECTS UPDATE

Reason for Report

1. This report provides an outline and update of the Council's various resource management projects currently underway, as well as the opportunity for staff to verbally update the Committee on the:
 - 1.1. TANK plan change hearing
 - 1.2. Outstanding Water Bodies plan change
 - 1.3. Ngaruroro Water Conservation Order.

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 *"July 2021 Policy Projects Update"* staff report.

Authored by:

Anne Bradbury
SENIOR POLICY PLANNER

Belinda Harper
SENIOR PLANNER

Ellen Robotham
POLICY PLANNER

Approved by:

Ceri Edmonds
MANAGER POLICY AND PLANNING

Katrina Brunton
**GROUP MANAGER POLICY &
 REGULATION**

Attachment/s

- 1 [📎](#) July 2021 RMA projects Update

Status Report on HBRC Resource Management Plan Change Preparation & Review Projects (as at 14 June 2021)

Updates are in [blue underlined text](#)

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 30 November to 4 December 2020. Hearing Commissioners are Dr Brent Cowie (Chair), Dr Roger Maaka and Christine Scott. 24 submitters attended the hearing. The Panel of commissioners has been preparing a report to issue decisions on behalf of Council. At time of writing, anticipating Panel's decisions on PC7 will be issued in late June. There is a 30 working day period for any submitter to file an appeal with the Environment Court. The PC7 decision must be issued before 31 August 2021 (i.e. two years after public notification date). 	1 Sept 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 A wananga was held by NPDT in the Taupo on the 14-15 June as part of the Maori-led workstream. An update will be provided to the RPC in due course. 	1 Sept 2021
PC9 Greater Heretaunga/ Ahuriri catchment area plan change (aka TANK)	<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. The summary of submissions was notified on 11 November 2020 and closed on 9 December 2020. 24 further submissions were received. Staff analysed all submissions received and prepared a report under Section 42A of the RMA which provides recommendations to the hearings panel on whether to accept, accept in part, or reject submissions on the plan change. All documents relevant to the TANK Plan Change 9 and the hearings are available on the Council's website: https://www.hbrc.govt.nz/hawkes-bay/projects/the-tank-plan/tank-submissions-and-hearings/ 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), Dr Brent Cowie, Dr Greg Ryder, Dr Roger Maaka, and Rauru Kirikiri. <p><u>Next steps</u></p> <ol style="list-style-type: none"> Hearings commenced on the 24 May and ran through June. The first three days of the hearing were held at Mangaroa Marae in response to requests from tāngata whenua. At the time of writing, the hearings had not closed. Staff will provide a verbal update at the RPC meeting. Decisions on submissions must be issued before 2 May 2022 (i.e. two years after public notification date). 	1 Sept 2021

Project	Narrative update	Next intended reporting to RPC
Amendments to regional plans without RMA Schedule 1 process	<p>18. On 3 September 2020, the following came into effect:</p> <ul style="list-style-type: none"> a) the National Policy Statement for Freshwater Management 2020, b) the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, and c) the Resource Management (Stock Exclusion) Regulations 2020. <p>19. On 20 August 2021, the Resource Management (National Environmental Standards for Outdoor Tyre Storage) Regulations 2021 will come into effect.</p> <p>20. The Council can amend the Regional Resource Management Plan (RRMP) and Regional Coastal Environment Plan (RCEP) without using a public submission process in Schedule 1 of the RMA to:</p> <ul style="list-style-type: none"> a) remove duplication or conflict with a national environmental standard, and b) add, amend or remove provisions from the RRMP or RCEP (or both) if directed to do so in a national policy statement. <p>21. The RRMP and RCEP <u>are to be</u> amended to:</p> <ul style="list-style-type: none"> a) align with the two new NESs for freshwater and outdoor tyre storage, and b) insert clauses 22(1) natural inland wetlands, 3.24(1) rivers and 3.26(1) fish passage of the NPS-FM 2020. 	Updates from staff as and when new information becomes available.
Ngaruroro and Clive Rivers Water Conservation Order	<p>22. 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.</p> <p>23. Hearings <u>were rescheduled</u> for the week of 14 June 2021.</p> <p>24. HBRC staff will provide an update when the Court's decisions on the WCO is made available.</p> <p>25. 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.
Statutory Acknowledgements of Treaty settlements	<p>26. 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 07 July 2021

SUBJECT: JULY 2021 STATUTORY ADVOCACY UPDATE

Reason for Report

1. This item updates the status of 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 "*July 2021 Statutory Advocacy Update*" staff report.

Authored by:

Nichola Nicholson
POLICY PLANNER

Ellen Robotham
POLICY PLANNER

Approved by:

Katrina Brunton
GROUP MANAGER POLICY &
REGULATION

Attachment/s

- 1 [↓](#) July 2021 Statutory Advocacy Update

Statutory Advocacy Update (as at 14 June 2021)

Note: updates since reporting for previous RPC meeting (14 April 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>
26 Nov 2019	<p>Draft National Policy Statement for Indigenous Biodiversity (NPS-IB)</p> <p>The proposed NPS-IB sets out the objectives and policies to identify, protect, manage and restore indigenous biodiversity under the Resource Management Act 1991.</p> <p>https://www.mfe.govt.nz/publications/biodiversity/draft-national-policy-statement-indigenous-biodiversity</p>	Ministry for the Environment	Public feedback closed 14 March 2020. Anticipating announcement by Minister ~mid 2021	<p>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.</p> <p>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.</p> <p>HBRC staff anticipate Ministers will make further announcements about finalising of the NPS-IB in mid 2021.</p>
14 Aug 2019	<p>National Policy Statement – Highly Productive Land (NPS-HPL)</p> <p>MPI and MfE have prepared a draft NPS to improve the way highly productive land is managed under the RMA.</p> <p>https://www.mpi.govt.nz/news-and-resources/consultations/proposed-national-policy-statement-for-highly-productive-land/</p>	Ministry for Primary Industries	Public feedback closed 10 October 2019. Anticipating announcement by Minister ~mid 2021	<p>HBRC, NCC, HDC and CHBDC made a joint submission which can be found at HBRC Submissions.</p> <p>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.</p> <p>HBRC staff anticipate Ministers will make further announcements about finalising of the NPS-HPL in mid 2021.</p>

Received	Proposal	Agency	Status	Current Situation
17 May 2021	National Environmental Standards for Outdoor Tyre Storage (NES-OTS) https://environment.govt.nz/acts-and-regulations/regulations/nas-storing-tyres-outdoors/	Ministry for the Environment	Finalised – in legal effect from 20 August 2021	<p>NES-OTS was gazetted on 17 May and will come into legal force from 20 August 2021. The purpose of the NES-OTS is to deal with some of the effects of outdoor tyre storage relating to the functions of regional councils.</p> <p>The NES-OTS is to be implemented by regional councils – not city or district councils. It is a regulatory tool to manage the environmental and health risks of tyres stored or deposited outside (particularly in terms of fire risk and leaching from tyre materials affecting water bodies).</p> <p>The Government's release of the NES-OTS is part of a package of measures to address the issue of tyre waste in New Zealand. The main initiative is a regulated tyre stewardship scheme to encourage more and better uses for end-of-life tyres. The Government intends Regulations to underpin a scheme will be available for consultation later in 2021.</p>

TABLE 2: TERRITORIAL LOCAL AUTHORITY PROPOSALS

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>

Received	TLA	Proposal	Applicant/ Agency	Status	Current Situation
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.	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. Submissions lodged separately on Ecosystems and Indigenous Biodiversity, and Greenfield Growth in the Hills. Copies can be found at HBRC Submissions .
28 May 2021 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 was publicly notified on 28 th May 2021. https://www.chbdc.govt.nz/services/district-plan/proposed-district-plan/submissions/	Central Hawke's Bay District Council	Proposed District Plan publicly notified. Submissions due 6 Aug 2021	Planning staff currently reviewing relevant sections of recently released proposed district plan. Written comments still to be confirmed. Previously, feedback had been provided on earlier discussion documents. A copy of HBRC's earlier feedback can be found at HBRC Submissions .
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 .
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 were rescheduled and held during 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"> No further update

HAWKE'S BAY REGIONAL COUNCIL**REGIONAL PLANNING COMMITTEE****Wednesday 07 July 2021****Subject: DISCUSSION OF MINOR MATTERS 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 5.

Item	Topic	Raised by
1.		
2.		
3.		

HAWKE'S BAY REGIONAL COUNCIL**REGIONAL PLANNING COMMITTEE****Wednesday 07 July 2021****Subject: CONFIRMATION OF THE 10 MARCH 2021 PUBLIC EXCLUDED MINUTES**

That Hawke's Bay Regional Council excludes the public from this section of the meeting being Confirmation of Public Excluded Minutes Agenda Item 11 with the general subject of the item to be considered while the public is excluded; the reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution being:

GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION	GROUND'S UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION
Long Term Plan 2021- 31 Development Update	7(2)s7(2)(i) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to enable the local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

Authored by:

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STRATEGY AND GOVERNANCE
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