



Meeting of the Hawke's Bay Regional Council Maori Committee

Date: Wednesday 18 November 2020
Time: 11.00am
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Agenda

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Parking

1. Free 2-hour on-road parking is available on Vautier Street adjacent to the HBRC Building & on Raffles Street.
2. There is free all day parking further afield – on Munroe Street or Hastings Street by Briscoes.
3. There are limited parking spaces (3) for visitors in the HBRC car park – entry off Vautier Street – it would be appropriate that the “visitors” parks be available for the members travelling distances from Wairoa and CHB.
4. If you do pay for parking elsewhere, please provide your receipt to the Receptionist for reimbursement – or include with your expenses claim for the meeting.

NB: Any carparks that have yellow markings are NOT to be parked in please.

HAWKE'S BAY REGIONAL COUNCIL

MĀORI COMMITTEE

Wednesday 18 November 2020

SUBJECT: ALTERNATE MEMBERS FOR 18 NOVEMBER 2020 MEETING

Item 3

Reason for Report

The Māori Committee Terms of Reference makes allowance for alternate attendees to be appointed to the Committee where the usual member/s cannot attend.

Recommendation

The Māori Committee agrees that _____ be appointed as member/s of the Māori Committee of the Hawke's Bay Regional Council for the meeting on Wednesday, 18 November 2020 as alternate attendee(s) for _____

Authored by:

**Annelie Roets
GOVERNANCE ADMINISTRATION
ASSISTANT**

Approved by:

**James Palmer
CHIEF EXECUTIVE**

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

MĀORI COMMITTEE

Wednesday 18 November 2020

Subject: TAKE RIPOATA Ā TAKIWĀ – TAIWHENUA REPRESENTATIVES' UPDATES

Item 5

Reason for Report

1. This item provides the opportunity for representatives of the four Taiwhenua (Te Whanganui-a-Orotū, Tamatea, Wairoa/Kahungunu Executive and Heretaunga) to raise current issues of interest in their rohe for discussion as per the reports attached.

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 Maori Committee receives and notes the *"Take Ripōata ā Takiwā – Taiwhenua reports"*.

Authored by:

Te Wairama Munro
MAORI ENGAGEMENT COORDINATOR

Approved by:

Pieri Munro
TE POU WHAKARAE

Attachment/s

- [1](#) Taiwhenua report, Kahungunu Executive - Michelle McIlroy
- [2](#) Te Taiwhenua o Heretaunga report - Marei Apatu
- [3](#) Wairoa Taiwhenua - Katarina Kawana

Hawke's Bay Regional Council Māori Committee

Report from Council/Committee Meetings

Name: Michelle McIlroy

Committee: Kahungunu Executive

Overview:**Wairoa District Council Wastewater Consent Hearing**

1. Environmental Court Hearing, Wairoa – 30 November 2020. Tangata whenua submitters working together as a roopu in collaboration with NKII.

Making Good Decisions RMA Course

2. Attended the two day course 5-6 September 2020 in Napier thanks to HBRC. Have so far passed my pre-course assessment and have 4 months to complete post-course assessment. Appreciated the course, and the experience and understanding gained from the course will help me in my role moving forward. I also highly recommend the Course to my fellow Maori Committee members. Mihi to Peter for his tono to the Regional Council to support our members to attend, as it is expensive.

Unfenced waterways – another season of high *E.Coli* levels with ruminant sources

3. When white baiting am noting stock in the awa, on the banks – just total disregard for the health of the awa. This is no doubt repeated upstream. All of this is evidenced by high E coli levels, algae bloom, and faecal source tracking that is tracing it to ruminant source with some avian. Basically, the cows are being allowed access to the awa and our tamariki are swimming in it in the summer months. Our environmental page shares the LAWA Report every month and the State of the Environment Report shows clear degradation of all waterways most especially where there is intensity of stock. An almost immediate improvement to our wai – would be stock exclusion, and this needs to happen now. I sit across the river looking at Angus Stud Farm bulls that are worth thousands – but that farmer doesn't seem to be able to put a hotline on the bank to prevent stock from going into the awa. The abuse needs to stop as does the negligence. Of note the Mohaka waterways are pristine other than the area where there is farming intensification.
4. Objective 3 of Te Mana o Te Wai is repeatedly having precedence i.e. consumptive use, however it is in this case to the complete detriment of the wai, its mauri and as with Havelock North has human health impacts.

Section 17a – Effectiveness and efficiency review of Hawke's Bay Biosecurity & Biodiversity.

5. http://hawkesbay.infocouncil.biz/Open/2020/09/EICC_16092020_AGN_AT.PDF
6. Noted report by Independent consultant Kevin Collins around Pest Control operations within the Hawke's Bay, most especially possum control as there has been a bovine tuberculosis outbreak affecting many herds on multiple farms which includes the Wairoa District.

7. It was noted in some areas no monitoring of properties had been done for up to 10 years. If you have no measure, how can you know there is an issue? My question is why were these properties not monitored? Why are they then forced into 1080 as the “only” resort.
8. Mahinga kai practice by our hunters and gatherers is an important protein source for our people and 1080 drops cease this food gathering practice or options to retrieve rongoa. There was no korero within the review of the impacts on Tangata whenua and their pataka kai. All of my life my whanau well-being is highly supplemented by mahinga kai, whether that be through wild pigs, deer, fish and maara. A cultural impact assessment alongside this review should have been conducted, to acknowledge mahinga kai practices and the possible negative effects e.g. food poverty for tangata whenua through the option of 1080

Items of Note / for Action

RECOMMENDATIONS TO THE COUNCIL:

1. That a Cultural Impact assessment is conducted on the impact of mahinga kai of Tangata whenua with regard 1080 drops on whenua Maori to sit alongside the Section 17a report, and must be considered in all decisions around pest control with regard possums.
2. Mauri Compass is resourced and run over LAWA swimming reporting months in Te Wairoa – in line with Objective 1 of Te Mana o Te Wai.
3. That a Cultural Impact Assessment is also made on mahinga kai practices of tangata whenua in relation to unfenced waterways – in line with Objectives 1, 2 and 3 of Te Mana o Te Wai.
4. That the Kahungunu Executive Wairoa Report be received.

Michelle McIlroy

**HAWKES BAY REGIONAL COUNCIL MĀORI COMMITTEE MEMBERSHIP
REPORTS**

Name: Te Taiwhenua o Heretaunga

Meeting date: 18 November 2020

Member: Marei Apatu

1. REPORT SUMMARY

For this month, I have provided a brief update on the following matters:

- 2.1 TANK
- 2.2 NPS FM Te Mana o te Wai principles in place
- 2.2 OWB – Outstanding Water Bodies hearing 30 November
- 2.3 Clive dredging
- 2.4 Global consent for gravel extraction – Nga awa o Ngaruroro Tukituki and Tutaekuri

SUMMARY

Another very busy period for tangata whenua keeping watch over the business of council and their goings on. This comes with a lot of pressure to those that are managing / facilitating the necessary consultation particularly to tangata whenua alongside of our own science experts and the necessary 'forensics interrogation' required. The following are examples of that complexity but also the relief we see as necessary to take the position that comes.

2.1. TANK

A full summary of the 240 submissions was due out on the 9th November but a slight delay has occurred, we are keen to ascertain what submitter's have said? In particular those who opposed the draft plan and what their relief they seek?

We have analyzed the tangata whenua submissions on the points or issues that were made to ascertain what relief is being sought. These processes are quite complex for the normal person as the key focus is on the narrow scope of the draft plan only in order to understand how to make an informed response. We did note within the tangata whenua submissions that Historical matters were raised but unfortunately do not fit within the scope of the proposed plan change, a few submissions that described their 'key issues' did not state what relief they were seeking either?

2.2. National Policy Statement Freshwater Management (NPS FM) is in place – relief sought

The new NPS FM includes Te Mana o te Wai principles to underpin freshwater management.

We are all waiting with baited breath to see when HBRC will start to give effect to NPS FM? In particular how policies and plans will be demonstrated to include Te Mana o te Wai key principles

For your information these are set out as

NPS FM Framework

(3) Te Mana o te Wai encompasses 6 principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater, and these principles inform this National Policy Statement and its implementation.

(4) The 6 principles are:

- (a) Mana whakahaere: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater
- (b) Kaitiakitanga: the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations
- (c) Manaakitanga: the process by which tangata whenua show respect, generosity, and care for freshwater and for others
- (d) Governance: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future.

- (e) Stewardship: the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations
- (f) Care and respect: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.

AND

- (5) There is a hierarchy of obligations in Te Mana o te Wai that prioritises:
 - (a) first, the health and well-being of water bodies and freshwater ecosystems
 - (b) second, the health needs of people (such as drinking water)
 - (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

Relief sought

An update on where things are at? And when we will start to these principles within key planning documents

2.2. OWB – Outstanding water bodies Hearing set for November 30th 2020 - information

Te Taiwhenua o Heretaunga seek the OWB status apply to the full extent of the Tukituki and Ngaruroro rivers and the Heretaunga aquifer. We hold firmly that these awa and our aquifer hold high cultural significant and outstanding values.

2.3 Clive dredging - relief sought

At the time of writing this report full Council at their October meeting approved the dredging programme to go up to the Clive bridge only and for a coastal discharge of the sediment

Tangata whenua have been patient for over 20 years, very vocal, to have the dredging programme go further up past Kohupatiki marae toward the Whakatu bridge.

A meeting with tangata whenua is planned for Monday 16th November to be hosted at the Te Taiwhenua o Heretaunga

Relief sought

This is a key issue and major concern for tangata whenua with the local biodiversity of the river and fish movement has created serious issues. A commitment by Council therefore

needs to take place and set a commitment within the forthcoming LTP and annual planning processes.

2.4 GLOBAL CONSENT FOR GRAVEL EXTRACTIONS – NGĀ AWA O NGARURORO TUKITUKI (CATCHMENT) TUTAEKURI TO THE COAST – information

Background

A resource consent to extract sand gravel and other material from the bed of ngā awa was applied for by the HBRC in February 2019

As the gravel extractions will happen across multiple catchments, and the global consent could be approved for up to 25 years, its imperative that we get this right

5 Submitters including NKII TToH were called to a meeting on the 7th September 2020 to discuss the issues associated with the application, and specific issues of concerns from submitters. This was held for most of the day

A further 3 hour meeting was held on Tuesday 20th October to address the draft conditions make further comment, rebutt, debate ammendments to see where things would land?

A further hui took take on Wednesday 25th October to discuss the remaining conditions not addressed at the previous hui? And discuss what the MoU with the Kaitiaki Liaison

A further hui on the 25 November will hopefully complete discussions in regards to the consent conditions and also provide clarity around the Taiwhenua o Heretaunga's push to set in place an MoU for up to 3 Kaitiaki Liaison groups over these awa.

Authored: Marei Apatu

Date: 10 November 2020

Hawke's Bay Regional Council Māori Committee**Take Ripōata ā Takiwā**

Name: Katarina Kawana

Taiwhenua: Wairoa Taiwhenua - Ngati Kahungunu

Overview**Wairoa District Council**

- Resignation of Steven May - CEO received and acknowledged.
- Wairoa District Council - WDC Rates Review hui via postal invitation

Wairoa Wastewater Environmental Court Hearing - Update

Coordinated submitters for upcoming hearing. Holding zoom hui to work out logistics. Requested hardcopies of all the submissions from Tania Diack. Organising evidence and experts to support submissions. Seeking letters of support from TToTW Kahui entities and marae committees. Continual Wananga and Engagement until 30 November 2020.

Ministry of Primary Industries

- 29.10.2020 Hosted MPI Engagement with Senior Customary Fisheries Advisor,
- Sandra Mauger at the Wairoa Taiwhenua building to determine fishing boundaries in Wairoa, to determine Tangata Kaitiaki and establish a Notifying Authority along with Michelle McIlroy, Bill Blake and Lewis Ratapu (GM-TToTW)
- 4.11.20 – Mai Paritu tae atu ki Turakirae Fisheries Forum, East Pier 50 Nelson Quay, Ahuriri
- Nomination accepted to participate in the National Eel Forum Working Group to represent the Forum. The nomination was moved by Bill Blake (Kaumatua) seconded by Paul Ratapu. Forum Presentations from Alicia Mckinnon in relation to CRA3-4 and Craig Petherick on MPI compliance. Forum Update on iwi, kaitiaki, hapu matters. Pataka Kai Update, Intention of Iwi forum Fish Plan, Customary Catch Landing Reporting, Electronic Monitoring, Terms of Reference Update, Customary Fishing (Kaimoana) Regulations Review.

Hui attended**HBRC**

- 14.10.2020 Attended Zoom presentation with HBRC Maori committee & RPC: Jobs for Nature hui with DOC with Jenny Smith re: Funding opportunities for Hawkes Bay

TToTW

- 16.10.20 – TToTW Taiao Portfolio role : Big Picture Taiao Plan, Proposed Wananga, Funding Opportunities hui at TToTW office/zoom

GNS Hikurangi Subduction Zone Ruaumoko Project

☐ 23.10.20 – Hikurangi Subduction Zone re: Chairman of Wairoa Taiwhenua attended annual hui in Lower Hutt with the science team to further build relationships with GNS.

☑ Final wananga Cluster 5 & 6 booked for 29.11.2020 hosted by Rangiahua marae: Project Ruaumoko: Co-ordinated by Merianne Orlowski and Katarina Kawana.

After the final wananga, all the material will be collated into a resource to be shared in hardcopy and digital copy for inclusion on the Digital Touchtable and Wairoa Taiwhenua marae database.

Wairoa Taiwhenua Building Upgrades

Sincerest thanks to Menzshed who organised the removal of the long sign along the driveway, which involved disconnecting power and ensuring Health & Safety matters were undertaken. In the current financial year, we are still to replace one of the roller-doors in the single garage and have our carpark sealed or concreted.

Wairoa Foodbank

Our Taiwhenua staff, Pita and Danika continue doing excellent work with Stephanie in maintaining the Wairoa Foodbank operations, with support from Poutaka MWWL members. We continue to get referrals from several organisations who are directly connected in supporting whanau in immediate need.

Last meeting for the year 2020 is this Thursday 13 November 2020.

Our constitution requires we hold 11 meetings of the Board per year, with our upcoming hui/AGM. There are no board meetings in December.

Our office will close for the holiday season **Tuesday 22 December 2020** and reopen on **Monday 18 January 2020**. Please note that our building is **not** available for use for any hui or course during this time.

NKII Ngati Kahungunu AGM Saturday 28 November 2020, Splash Planet

Wairoa Taiwhenua Board Christmas Dinner, 5 December 2020

Recommendation to receive this report

Mauriora

Katarina Kawana

Trustee Ngati Kahungunu Wairoa Taiwhenua Incorporated

HAWKE'S BAY REGIONAL COUNCIL

MĀORI COMMITTEE

Wednesday 18 November 2020

SUBJECT: FOLLOW-UPS FROM PREVIOUS MĀORI COMMITTEE MEETINGS

Item 6

Reason for Report

1. **Attachment 1** lists items raised at previous meetings that require follow-up, who is responsible, when it is expected to be completed 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 Māori Committee receives the *"Follow-up Items from Previous Māori Committee Meetings"* report.

Authored by:

Annelie Roets
GOVERNANCE ADMINISTRATION
ASSISTANT

Approved by:

James Palmer
CHIEF EXECUTIVE

Attachment/s

[1](#) Follow-ups for November 2020 Maori Committee meeting

Follow-ups from previous Māori Committee Meetings

9 September 2020

	Agenda Item	Follow-up action required	Responsible	Status
1	HBRC Chief Executive's Verbal Update on Current Issues	The CE's presentation on the organisation's focus be circulated to the members	J Palmer	Slides provided following at Reference 1
2	Māori Committee Terms of Reference, Charter and Work Programme	Follow-up with District Councils about the concerns raised in relation to "failure to identify" wahi tapu adequately	J Palmer/C Edmonds	Will be reported at the next meeting in February 2021.
3	Discussion of Minor Matters not on the Agenda	State of the Environment wananga to be held with members of both the Māori and Regional Planning committees	P Munro	Hui held 14 October

8 July 2020

	Agenda Item	Follow-up action required	Responsible	Status
4	Take Ripoata Ā Takiwā – Taiwhenua Representatives' Updates	Wairoa Taiwhenua Cultural Impact Report funded by HBRC 2019 to be completed and provided to Te Pou Whakarāe	K Kawana	Will be distributed once received.
5	Take Ripoata Ā Takiwā – Taiwhenua Representatives' Updates	Request for HBRC presentation in relation to the Treaty of Waitangi and effectiveness of cultural competency within the framework of HBRC.	P Munro	Pieri Munro's 9 September slides are provided following at Reference 5

Reference 1



Reference 1

Item 6

Attachment 1

Covid Response

- CDEM response: \$1m+ in welfare, 170 council staff deployed
- 700+ business helped with \$1.5m in NZTE vouchers
- \$19m for flood scheme upgrades: Wairoa, Heretaunga and Tuki Tuki
- \$3.65 Whakatipu Mahia predator free pending: J4N
- \$2.1m (+\$2.1m HBRC) in erosion fencing pending: J4N
- More in the pipeline for freshwater catchments and regional alliances for conservation and biodiversity: J4N
- CDEM on alert and ready for Level 3/4



The road ahead - freshwater

- Freshwater reforms finalised and require acceleration of effort
- New regulations on farming to enforce: wetlands, cropping, fencing
- Faster planning process to set limits, provide for Te Mana o Te Wai
- Farm Plans will be key – Tuki Tuki refresh and rest of region 5000+
- TANK, Outstanding Water Bodies, WCO
- Water security programme: regional assessment, Ngaruroro/Tuki
- Science prioritised to freshwater; more consents, compliance and planning – how much carrot and how much stick?



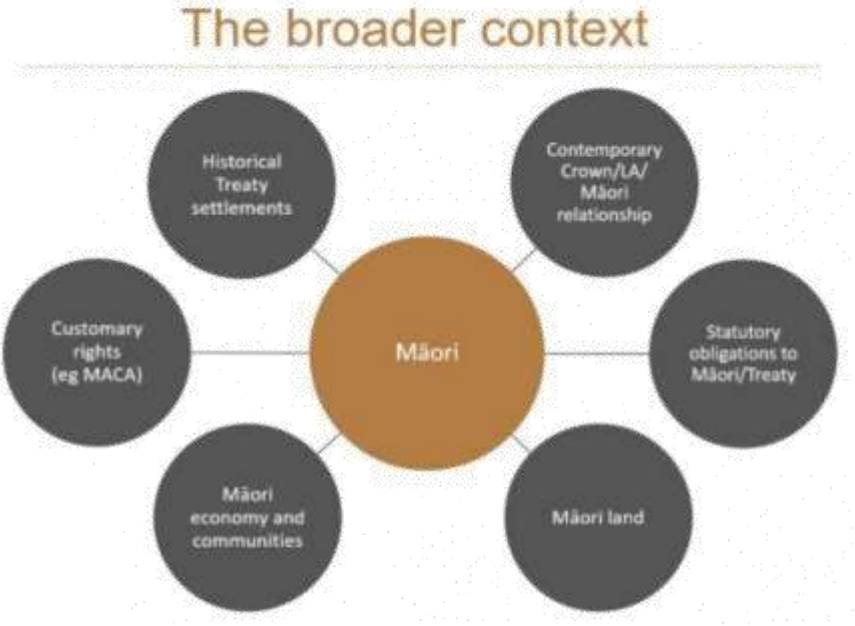
Reference 1

The road ahead – and the rest

- Review of biodiversity and biosecurity – the right balance?
- Increased focus on climate change: adaptation (floods, droughts and coastal) *and* mitigation (transport, households, industry and farming)
- More active investment of funds locally – income versus growth?
- Covid economic uncertainty requires crystal ball, where will we be in 12 or 24 months?
- How much can the community afford? How fast can we realistically deliver? How can we deliver more, smarter?



Reference 5



Attachment 1

Reference 5

The Broader Context

- The importance of understanding Te Ao Māori / the Māori lens
- The importance of relationships
- The importance of embracing Treaty settlements
- Working across the cultural, commercial and political dimensions
- The evolving expectations of Māori in relation to local government
- Beyond a 'consultation/engagement' mindset



Item 6

Reference 5

The Treaty and local government

- Important to understand implications and relevance for local government
- A focus on the 'principles' of the Treaty of Waitangi in legislation
- Referred to in statutes such as the LGA and RMA

The statutory framework for the Council

- Obligations to Māori / the Treaty exist under a range of statutes including:
 - LGA
 - RMA
 - Reserves Act
 - Treaty settlement legislation
- In Auckland context, over 250 obligations under 30 statutes.

Item 6

Attachment 1

Reference 5

Local Government Act 2002

"Treaty of Waitangi

In order to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes, Parts 2 and 6 provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes." (section 4)

"a local authority should provide an opportunity for Māori to contribute to its decision-making processes" (section 14(1)(d))

Marine and Coastal Area (Takutai Moana) Act

- Background to MACA
- The 'no-ownership' regime
- Participation in conservation processes
- Customary marine title and protected customary rights
- High Court and Crown engagement pathways

Mana Whakahono a Rohe

- An agreement between Iwi authorities and the Council
- RMA focussed
- An agreement must be entered into (18 mths)
- Baseline for contents is prescribed
- Opportunities and challenges

HAWKE'S BAY REGIONAL COUNCIL

MĀORI COMMITTEE

Wednesday 18 November 2020

Item 8

Subject: KOTAHI

Reason for Report

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

Executive Summary

2. The refreshed Policy and Planning work programme has arisen in particular as a consequence of significant new national direction, through the Essential Freshwater reforms, amendments to the RMA and new national policy statements, in conjunction with the need to prepare for the Council's Long Term Plan for the 2021-2031 period.
3. Policy and plan development has historically been delivered via two key workstreams – integrated management of land and freshwater through the Regional Resource Management Plan (RRMP) which incorporates the Regional Policy Statement (192) and coastal management through the Regional Coastal Environment Plan (RCEP)(191).
4. Both the RRMP and the RCEP are scheduled for 10 year review as prescribed by the RMA. This work is due to commence in the 2020-21 financial year. It is considered that there is an opportunity to amalgamate the two workstreams with the aim of developing a single plan which considers the environmental issues and solutions in a more holistic manner.
5. In addition to the plan reviews, there is a further and not insignificant workstream which is required by legislation to be delivered by December 2024. This is the notification of the remaining freshwater planning provisions for the region (as required by the amendment to the RMA and the NPSFM 2020). Catchment based freshwater planning was an existing workstream for the Policy team, however under the previous NPSFM (2017) the plans were not required to be completed until 2030.
6. This dramatic change to the statutory deadline and imperative for plan notification indicates a clear directive for the plans to be more focused and agile. The 2024 statutory timeframe does not lend itself to extended consultative or engagement processes which have been the approach of more recent plan changes, nor does it allow for new science to be developed prior to policy development. Neither the TANK nor Tukituki models are considered sustainable given latest directives in legislation. A focused planning approach is necessary to enable the Council to meet its statutory obligations.
7. Council planning staff consider that combining preparation of freshwater provisions with the rest of region plan review is an appropriate response to this challenge. In doing so this would create a community plan which genuinely reflects a ki uta ki tai approach for resource management in the Hawke's Bay region.
8. It should be noted that there are two other workstreams, Response to Climate Change (194) and Statutory Advocacy (196), which continue to be workstreams of the Policy and Planning team but are not the key focus of this item.

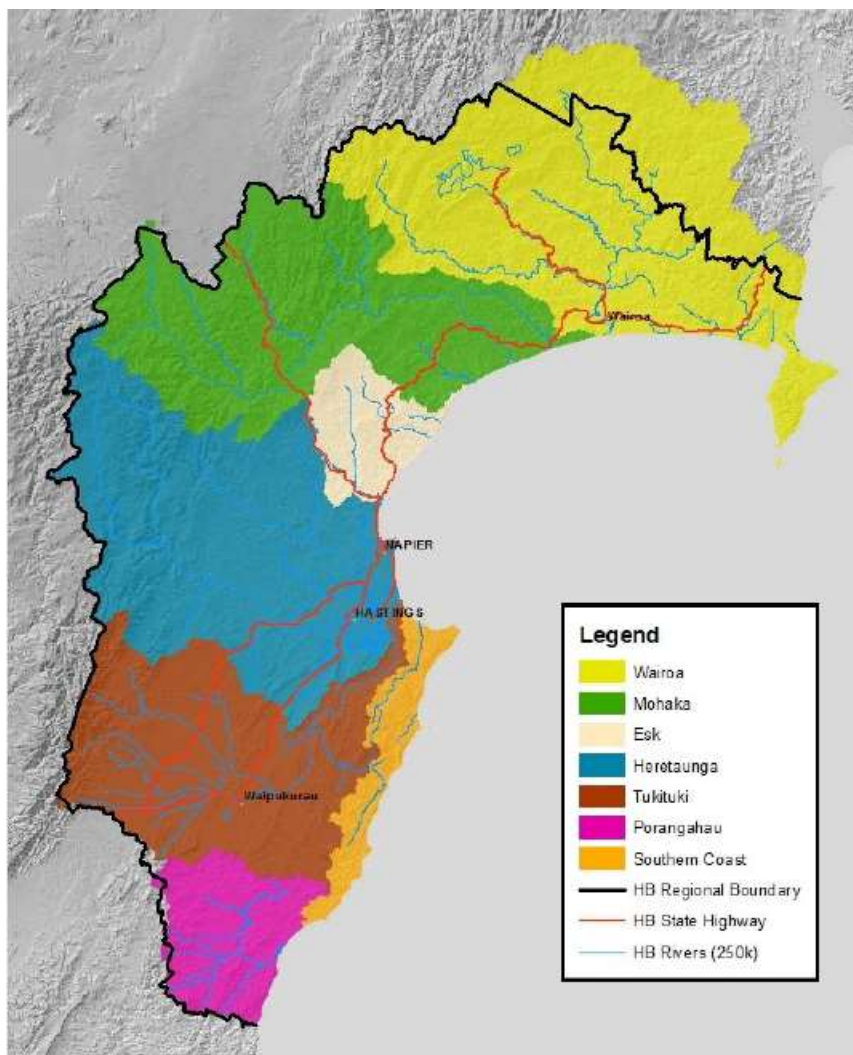
Background and Discussion

9. Under the RMA, the Council has responsibilities to promote the sustainable management of the region's natural and physical resources. This is in part, done through preparing objectives, policies, methods and rules in an integrated way. The Council works to meet these requirements through the RCEP and the RRMP which

incorporates the Regional Policy Statement. These are currently presented as two separate plans. Both of these plans are scheduled for their 10 year review (as required under the RMA), which is signalled to commence in 2021.

10. There have been significant changes to legislation and resource management policy since the RRMP and RCEP were prepared and made operative. As they stand, the plans are at risk of not meeting their statutory obligations under the RMA and diverge from modern-day best practice.
11. As such there is a substantial amount of work which is essential within the forthcoming LTP period (2021-2031). For example, under the NPSFM (National Policy Statement for Freshwater Management), regional councils are required to prepare freshwater catchment plans for the region and for these to be notified by 31 December 2024. Currently there is only one operative freshwater catchment plan in the region (Tukituki) and another proposed (TANK catchments). Freshwater plans remain outstanding for Mohaka, Wairoa (including Mahia and Nuhaka), Esk, Porangahau and the southern coast (Image 1). Elements of the Tukituki and TANK plans will need some degree of refreshing so they comply with the new requirements of the 2020 NPSFM.

Image 1: Hawke's Bay Freshwater catchment areas



12. There are statutory obligations for the Council to prepare these plans, align with environmental policy and to adhere to the timeframes stipulated in legislation. These activities form part of the policy work programme carried out by the Policy and Planning team and supported by many other teams across the organisation.
13. As noted above, the policy preparation and plan development has in the past been separated between the two budgets codes (191 and 192), however there is an opportunity to amalgamate the two workstreams and aggregate the two budgets. This is a logical approach given the staff resource is the one and the same and will assist in

developing the programme of work, assigning staff time and utilising the external budgets in a more holistic manner.

14. Historically, plan changes have taken a considerable amount of time (e.g. TANK was commenced in 2012 and notified in 2020) and resources, including external expenses. The time pressures which are being imposed on regional councils via the freshwater reform to deliver the freshwater catchment plans in isolation is no mean feat.
15. The emphasis on Te Mana o te Wai in the NPSFM 2020 drives a greater commitment to engage and develop relationships with iwi/Māori and this is supported by our own Strategic Plan objective to embed tāngata whenua values within the Plan by 2025. When considering this workload in conjunction with the wider review of the RRMP and RCEP, it becomes very apparent that additional resources will be required to enable the team to meet all obligations and commitments. These are being sought through the LTP 2021-31. Furthermore, it will prompt a significant shift in the form, style and pace of plan preparation work compared to past examples.
16. Council planning staff consider that the most viable solution to the challenge ahead is to combine the regional policy statement, RRMP, including the NPSFM 2020 compliant freshwater catchment plans, and the RCEP into one single plan for the region. This single plan, which has been given a working title of 'Kotahi' meaning one, unified, is the logical solution for the plan and policy delivery (noting that this title could be subject to change). It is also considered that this is the only way in which a truly holistic plan can be delivered within statutory timeframes. An honest representation of a mountains to sea, ki uta ki tai approach to planning.
17. Given the tight timeframes to which we are required to work, there will be a need to develop plans following a minimum viable product model. The aim is to develop a plan which is fit for purpose – not the perfect plan. It is recognised that this term could have negative connotations in the community eye, hence why a 'focused planning approach' is being promoted through the development of Kotahi.
18. There will be other notable challenges and risks associated with the Kotahi Plan delivery, such as managing expectations of the extent of engagement with both tāngata whenua and the community. Equally there is risk associated with timely decision making and unplanned changes to the programme – both of which will have a serious impact on the Plan delivery.
19. Engagement, communication and management of expectations will be key to the success of the plan delivery.
20. Expectations and requests for 'new' science and information is another critical risk factor for the plan's success. In order to deliver Kotahi and meet our statutory obligations, it is important to understand that there will be no extra new science developed. Kotahi will be developed on current knowledge.
21. There has been a tendency in the past to delay choices on policy options to enable science to be developed and also to allow for multiple scenarios and modelling to be run in response to community desire/expectations. This is not a sustainable or effective planning model, particularly in light of the hard December 2024 deadline.
22. It is envisaged that the focused planning approach will complement a swifter review cycle of Kotahi in the future. These reviews will enable discreet plan changes in a more efficient and agile manner which will in turn support the alignment of policy with new science which is planned and developed.
23. Planning staff do anticipate further changes in legislation in the next twelve months or so (e.g. new national policy statements on indigenous biodiversity and highly productive land). The new Government will determine next steps for further reform or replacement of the RMA, but the Kotahi work programme cannot afford to pause while awaiting the Government's next moves.
24. The Kotahi Plan will deliver a number of benefits, including:
 - 24.1. Minimise consultation fatigue – there will be focused engagement with mana whenua and the catchment communities over a shorter period. There will be also

be opportunities to work alongside various Council teams and the TLAs in the catchments. The ki uta ki tai approach to plan development will empower communities to discuss a wide range of regional environmental issues, rather than piecemeal

- 24.2. Alignment with HBRC's Climate.Smart.Recovery plan - seeking to minimise further economic demands on communities already suffering from economic impacts of COVID-19
- 24.3. Enhanced relationships with tāngata whenua – enables conversations which better align with Te Ao Māori and ki uta ki tai, embeds tāngata whenua values for all catchments in the plan, iwi values identified and recorded for the entire region
- 24.4. New holistic and integrated plan – Not a singular freshwater focus, less confusion where to locate the policy direction and rules which guide RMA decision-making for the region
- 24.5. Ability to reflect aspirations of the community and highlight next steps for policy development
- 24.6. Clear process and pathway that is transparent to the Regional Planning Committee and Council
- 24.7. Clear programme and milestones presented from the outset up to 31 December 2024.
25. Below are the some of the deliverables for the Kotahi plan and Policy and Planning work programme.
 - 25.1. To have commenced the review of the Regional Resource Management Plan and Regional Coastal Environment Plan in 2021
 - 25.2. To have developed a detailed Te Mana o te Wai engagement programme and commenced engagement with tāngata whenua in 2021
 - 25.3. By 2022 the Regional Policy Statement to meet National Planning Standards (noting that if this is delivered in conjunction with the Regional Plan this will be delivered in 2024 to align with the NSPFM)
 - 25.4. By 31 December 2024 notify the remaining freshwater catchment management plans for the region
 - 25.5. To have tāngata whenua values for all catchments embedded in the plan by 2025
 - 25.6. By 2029 Regional Plan to meet National Planning Standards (noting that the intention of delivering Kotahi will see this milestone brought forward to December 2024 in the proposed plan)
 - 25.7. By 2029 e-Plan to be operative – as with the RPS and Regional Plan delivery the intention is to deliver this as part of the Kotahi plan and workstream. Alignment of the plans and supporting technology is imperative.
26. Senior planning staff will elaborate on these matters at the Committee's meeting.

Strategic Fit

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

Next Steps

29. There are a number of key deliverables which have not been outlined in this item in relation to the Freshwater Reform and Regulations, nor have the milestones for other NPSs (such as Urban Development) and NESs been identified. More detail on this will

be presented to the RPC in December to set out a clearer picture of the extent of commitments which lie ahead.

30. It is intended to run a series of workshops with the RPC to step through the freshwater reform and other national direction. This is viewed as an important supporting element to the Kotahi plan and work programme.
31. The first workshop which has been identified is a Te Mana o te Wai workshop. The details of this are still to be confirmed however Riki Ellison, technical advisor to the RPC tangata whenua representatives and member of Kahui Wai Māori, will facilitate this workshop. It is also intended to invite members of the Māori Committee to this particular workshop as this is seen as an important milestone in both the Plan development and implementing the NPSFM.

Decision Making Process

32. 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 Māori Committee receives and notes the “*Kotahi*” staff report.

Authored and Approved by:

Ceri Edmonds
ACTING GROUP MANAGER STRATEGIC
PLANNING

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

MĀORI COMMITTEE

Wednesday 18 November 2020

Subject: HBRC RESPONSE TO CLIMATE CHANGE

Item 9

Reason for Report

1. This item provides a compilation of three reports that cover:
 - 1.1. a summary of a recently commissioned report from NIWA on climate change projections and impacts for Tairāwhiti and Hawke's Bay
 - 1.2. a summary of the Regional Council's climate action campaign, and
 - 1.3. an update on the Clifton to Tangoio Coastal Hazards Strategy project.

Executive Summary

2. The Strategic Plan 2020-25 places climate change "at the heart of **everything we do**". The Strategic Plan focusses on four priority areas that encompass climate resilient water security, climate smart land use, climate resilient biodiversity and climate resilient services and infrastructure.
3. The report from NIWA on climate change projections and impacts on East Coast of the North Island is the most comprehensive and wide-ranging assessment of climate change impacts on the region to date. Impacts include increased average annual temperatures, decreased frost days, decreased annual rainfall and rising sea levels. The projections can be used to guide the local councils' policies and actions to achieve the climate resilient and climate smart goals.
4. The climate action communications campaign aims to position the Regional Council as the leading local authority on the climate crisis challenge. It packages the comprehensive activities of the Council to address the climate crisis, promote and clarify the local impact of the climate crisis, and encourages behaviour and systems change with organisations and individuals.
5. The Clifton to Tangoio Coastal Hazards Strategy is 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. The strategy is about to re-engage with the community to get their feedback on several workstreams.

NIWA: Implications of Climate Change on the Hawke's Bay Region

6. New Zealand's climate is warming. The mean annual temperature has increased, on average, 1.02°C (±0.25°C) per century since 1909. The recently released "Our Atmosphere and Climate 2020" report by the Ministry for the Environment presented a national picture of climate trends between 1972 and 2019. It showed that Napier's seasonal daily temperatures were likely or very likely increasing and the annual number of warm days (maximum temperature above 25°C) was very likely increasing. Trends in annual rainfall were not discernible, but the proportion of total rainfall falling in very wet days was very likely increasing and the number of very wet days was very likely increasing. The intensity and frequency of short-term drought were likely increasing.
7. Hawke's Bay Regional Council and Gisborne District Council together, and with the assistance of Envirolink funding, commissioned a report from NIWA on climate change projections and impacts for Tairāwhiti and Hawke's Bay with the assistance of Envirolink funding. The information presented in the report is a summary of the current knowledge of projected impacts on the region's natural environment and on a broad range of activities and infrastructure.

8. The climate change projections and impacts report prepared by NIWA provides the most up to date and comprehensive assessment of climate change risks to the region.
9. NIWA downscaled climate change projections from six global climate model simulations and used these to drive a regional climate model producing 5 km by 5 km square pixels over the Tairāwhiti and Hawke's Bay regions. Two scenarios were used for this purpose - a mid-range emission pathway (RCP4.5) and a high emission pathway (RCP8.5). NIWA used the results to describe the changes that may occur to our climate over the 21st century and how those changes may impact on our activities, environment and infrastructure.
10. The projected changes are presented as 20-year averages spanning the years 2040 (2031-2050) and 2090 (2081-2100) and represent the change from the period 1986-2005. Some of the main findings are as follows.
11. Annual average temperatures warm 0.5°C-1.0°C by 2040 and 1.5°C and 3°C by 2090 for the mid-range and high emissions pathways respectively. The strongest warming is in autumn and the least warming is in winter.
12. The number of days of frost decrease by up to 5 days (by the coast) and 20 days (inland) by 2040 and up to 30 and 50 days for inland areas by 2090 under the mid-range and high emissions pathways respectively.
13. Heatwaves (period of three consecutive days greater than 25°C) become more common with increases of between 10 and 20 days by 2040 and 20 and 60 days by 2090 for the mid-range and high emissions pathways respectively.
14. Annual rainfall decreases by 0-5% by 2040 then by up to 10% and 15% in parts of Hawke's Bay by 2090 for the mid-range and high emissions pathways respectively. The largest decreases are in the western ranges. Results vary across the seasons with spring rainfall showing the greatest decrease, while coastal areas see an increase in summer rainfall and the northwest ranges an increase in winter rainfall. Short duration extreme rainfall totals increase between 5% and 14% per degree of warming.
15. Drought potential increases, as measured by annual accumulated Potential Evapotranspiration Deficit (PED) and the annual number of days of soil moisture deficit. PED increases by up to 150 mm in the south of the region by 2040 and over a broader area by 2090 under the mid-range emissions pathway. This increases to 200 mm by 2090 under the high emissions pathway. The probability of extreme PED (greater than 300 mm) reaches 80-100% in parts of the region. Days of soil moisture deficit could increase by 20 days or more with the largest increases in spring and winter. The findings are supported by a separate letter report on Hawke's Bay drought predictions, prepared earlier this year by NIWA for the Regional Council. That report was based on NIWA's New Zealand Drought Index (NZDI) and found that drought onset could occur earlier in future and the risk of "back to back" droughts would increase.
16. The changes in rainfall are expected to impact river flows. Annual average discharge decreases (by approximately 20% by 2090 under the high emissions pathway). Mean annual low flows (MALF) largely decrease over time, exceeding 20% in some areas by 2090 under the high emissions pathway, but an increase in summer rainfall in coastal locations may mean an increase in some catchments by 2040 under the mid-range emissions pathway. Mean Annual Flood increases by up to 50% for many of the region's rivers by the end of the century under a high emissions pathway.
17. Relative sea level rise is being observed and continues under both scenarios. A sea level rise of 0.4 m (which is expected by 2060 under the high emissions pathway and by 2090 by the mid-range emissions pathway) would mean the present mean high water spring level, which is exceeded by only 10% of high tides, would be exceeded by 100% of all high tides. A 500-year storm-tide event becomes a 5-year event with a relative sea level rise of 0.16 m.
18. Climate change presents risks to forestry, horticulture, agriculture, tourism, ecosystem health, human health as well as infrastructure and the built environment. These include:
 - 18.1. An increased incidence of pests and diseases

- 18.2. Increased animal heat stress and reduced quality and quantity of fruit and vegetable crops in more prevalent heatwaves
- 18.3. Increased erosion from high intensity rainfall events resulting in damage to infrastructure (roads, water supply), forestry and agricultural land productivity with potential impacts on tourism through loss of infrastructure connectivity. High intensity rainfall may also increase the risk of reduced quality of fruit and vegetables
- 18.4. Increased drought severity and fire risk. Increased pressures on irrigation, water supplies and freshwater ecosystems from lower river flows
- 18.5. Increased exposure of infrastructure and the primary sector to extreme coastal flooding and habitat loss through “coastal squeeze” as sea levels rise. An altered distribution and abundance of marine species with warming seas and species with carbonate shells impacted by ocean acidification
- 18.6. Potential opportunities include increased pasture and plant productivity, biomass and crop yields (when not limited by water availability) because of higher levels of CO₂. Less frost damage and new scope for crop diversification. Tourism and water-based activities boosted by a longer warm season. Improved winter air quality through reductions in domestic fire use though summer air quality may degrade due to wildfires, wind-blown dust during droughts and a greater abundance of allergenic pollen associated with higher plant productivity.
19. The report is the most comprehensive and wide-ranging assessment of climate change impacts on the region to date. It provides a picture of the region’s future under both worst case and achievable greenhouse gas emissions pathways and the results can be used to support the climate action campaign that is currently underway. The projections can also be used to guide the Regional Council’s policies and actions to achieve the climate resilient and climate smart goals in the Strategic Plan.

Climate Action Campaign

20. This campaign begun on Monday, November 2 and is a six-week communications campaign to position the Council as the lead local authority on the climate crisis. The goal is for the climate crisis engagement to progressively build motivation for change through sustained engagement with businesses, primary industry, communities, and whanau to lower their carbon footprints and live more sustainably.
21. Elements of the marketing campaign will be enduring and built into a long-term focus on the climate crisis, which will be central to the 2021-31 Long Term Plan.
22. The campaign is defining the impact of the climate crisis on the Hawke’s Bay’s environment, industry, and community. It will position the Council as the leading authority on the climate crisis, explore community attitudes to the climate crisis, and show what actions individuals, businesses and communities can take, alongside the comprehensive climate adaption and mitigation work of the Council.
23. The campaign is intensive, and is using considerable staff resource, a variety of tools, platforms and approaches to engage and communicate with the public, including the results of a survey (below), a digital hub, videos and case studies, and pop up stalls in Wairoa, Napier, Hastings, and Waipukurau.
24. There are four objectives of the campaign:
 - 24.1. To explain the local impact of the climate crisis on Hawke’s Bay using targeted storytelling, strong imagery, fact-based, relatable information and clear language
 - 24.2. To package up the comprehensive body of work the Regional Council does to mitigate and adapt to the impact of the climate crisis
 - 24.3. To connect with individuals, whānau, organisations and farmers, and provide guides and suggestions about what they can do to mitigate the impact of the climate crisis

- 24.4. To start engagement with the general public about the climate crisis, gain insight into public perceptions and awareness of the climate crisis, and what the public think the Regional Council should do about it.
25. Initially, the campaign is engaging with the community by communicating a high-level and general overview of the work of the Council to adapt and mitigate the climate crisis, how the climate crisis is impacting the region, and how individuals can help.
26. In subsequent phases, the engagement and communications will step up and become more targeted, as the Council gets better information about who wants and needs to be engaged on what. This campaign is to be used as the springboard and testing bed to inform the direction of the Long Term Plan, where the climate crisis will be a central theme.
27. There is an opportunity going forward for Long Term Plan consultation and in the formation of the proposed Climate Change Ambassador role for there to be a stronger Māori voice.
28. A climate change perceptions survey was undertaken following on from the Regional Council's declaration of a climate emergency to understand the community's views of the climate crisis and the Regional Council's role, and as a benchmark for future surveys.
29. The results from this survey are being used in the climate action campaign and are intended to inform decision making on Council's priorities for the 2021-2031 Long Term Plan.
30. Key findings from the survey include:
- 30.1. 41% of people associated the Regional Council as the main organisation responsible for taking action in response to climate change in Hawke's Bay (slightly more than double the Ministry for the Environment as the organisation with the next highest response)
 - 30.2. 90% of people believe that climate change is already occurring, with a fairly even split between those who believe the cause is human activities alone and those who believe the cause is a mix of natural processes and human activities
 - 30.3. 62% are concerned about the impact of climate change in Hawke's Bay, with drought is seen as the main negative outcome of climate change, followed by sea level rise and impacts on water supply
 - 30.4. Unpromoted 24% of people stated that climate change is one of the most important challenges facing New Zealand in the next 20 years
 - 30.5. Drinking water quality (37%) was the single most mentioned important challenge, followed by economic struggles (which may be somewhat biased due to COVID-19 impacts), then climate change
 - 30.6. According to the community, climate change is most directly the result of population growth and waste, energy and transport, and industrial processes. Only 1 in 10 people surveyed think that agriculture is a key cause. Greenhouse gas emissions from agriculture to year end 2018 made up 70% of gross emissions for Hawke's Bay (Stats NZ 2020)
 - 30.7. Lack of alternatives or resources and cost were the two main cited barriers to engaging in environment related activities.
31. The campaign begins the Regional Council's Long Term Plan engagement.

Clifton to Tangoio Coastal Hazards Strategy

32. This report provides an overall summary and update on the Clifton to Tangoio Coastal Hazards Strategy (Strategy), for the benefit of new and returning members of the Māori Committee.

33. 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.
34. 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.
35. The Strategy:
 - 35.1. Covers the coastal area between Clifton to Tangoio
 - 35.2. Seeks to develop a planned response to coastal hazards out to the year 2120
 - 35.3. Assesses and plans response to the following coastal hazards
 - 35.3.1. Coastal erosion (storm cut, trends, effects of sea level rise)
 - 35.3.2. Coastal inundation (storm surge, set-up, run-up, overtopping and sea level rise)
 - 35.4. Incorporates climate change as an overriding influence.
36. 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 below, 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

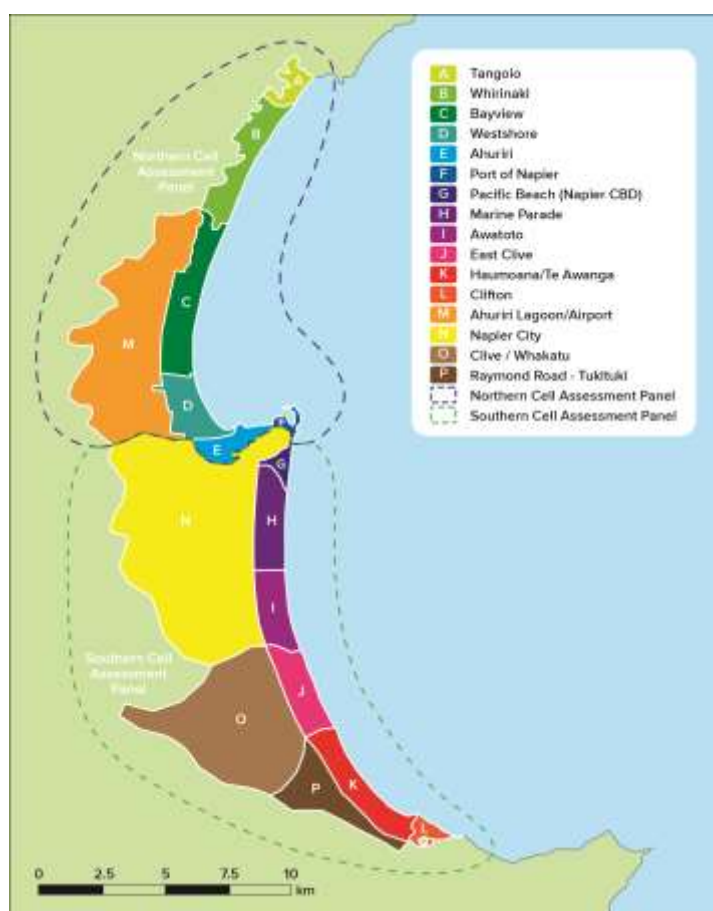


Figure B

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



Figure C

38. 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.
39. 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.
40. At the last meeting in October, the Joint Committee agreed to engage a retired judge or QC to develop recommendations based on current law and practical and administrative considerations. This outcome, once developed, will provide clarity of role and a clear path to implementing outcomes confirmed by the Strategy.
41. The Technical Advisory Group (TAG) are continuing to advance Stage 4, through five workstreams – regulatory, governance, funding, design, and triggers. TAG are set to begin to re-engage with the community through a series of workshops, beginning in November.

Mana whenua engagement

42. Mana whenua engagement has been a critical part of the Strategy, including:
- 42.1. Mana whenua representation on the panels:
- 42.1.1. Kaitiaki o te Roopu for both Northern & Southern panels - Aramanu Ropiha
 - 42.1.2. Northern Panel Mana Whenua reps - Hoani Taurima & Garry Huata
 - 42.1.3. Northern Panel - Tania Hopmans - Observer (Maungaharuru-Tangitū Trust Incorporated) and Tania Huata - Observer (Mana Ahuriri Incorporated)
 - 42.1.4. Southern Panel Mana Whenua reps - Aki Paipper & Te Kaha Hawaikirangi
 - 42.1.5. Southern Panel - Peter Paku (Heretaunga Tamatea Settlement Trust)
- 42.2. Letters were sent out to Iwi representatives to provide a strategic overview and to seek interest of involvement
- 42.3. 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
- 42.4. The report was peer reviewed by Maungaharuru-Tangitū Trust, Mana Ahuriri Incorporated and He Toa Takitini
- 42.5. As well as the 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.

43. 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:
- 43.1. Preferred that a beach be maintained where possible for coastal access/use
 - 43.2. Accept that in general we should let nature take its course in preference to hard intervention
 - 43.3. Preferred that the coast is held/returned to a natural state, as much as possible – the 'vista' is important (remove sea walls)
 - 43.4. Prefer not to split communities artificially (e.g. retreat the line picks winners)
 - 43.5. 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)
 - 43.6. Desire to see historic values recognised/commemorated as part of any future coastal works.
44. The TAG intends to continue to advance each of the workstreams in Stage 4, with semi-regular reporting to the Māori Committee. Once this work is complete, and funding arrangements are confirmed, a draft Strategy will be released for public consultation. The project team are working towards a late 2021 consultation process.

Decision Making Process

45. 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 Māori Committee receives and notes the "*HBRC Climate Change Response*" staff report.

Authored by:

Rebecca Ashcroft-Cullen
COMMUNICATIONS ADVISOR

Simon Bendall
PROJECT MANAGER

Gavin Ide
PRINCIPAL ADVISOR STRATEGIC PLANNING

Jenny Keown
COMMUNICATIONS ADVISOR

Dr Kathleen Kozyniak
PRINCIPAL SCIENTIST (AIR)

Dr Jeff Smith
MANAGER SCIENCE

Approved by:

Jessica Ellerm
GROUP MANAGER CORPORATE SERVICES

Chris Dolley
GROUP MANAGER ASSET MANAGEMENT

Iain Maxwell
GROUP MANAGER INTEGRATED CATCHMENT MANAGEMENT

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

MĀORI COMMITTEE

Wednesday 18 November 2020

Subject: HAWKE'S BAY COASTAL BIRD SURVEY

Item 10

Reason for Report

1. This report provides an overview of the upcoming HB Coastal Bird survey which is planned to be undertaken mid-December 2020 to January 2021.

Executive Summary

2. HB regional coast (ca 345 km) is an important breeding and foraging ground for many indigenous birds most of which are at risk of extinction due to habitat loss and degradation, predation, and impacts from other human activities. Climate change is likely to add compounded challenges to these species.
3. HBRC, as with other regional councils, has the statutory responsibility for sustainable management of natural values the coastal environment as provided in the Regional Coastal Environment Plan.
4. The region currently lacks comprehensive data of species, population size and distribution of indigenous coastal birds. The proposed HB Coastal Bird Survey is intended to fill this knowledge gap.
5. HBRC has contracted independent consultants to undertake the survey in mid-December to January, when coastal birds are breeding along the coastal environment.
6. Four ecologists will walk along the high-tide mark along the 345 km of the coastline plus two offshore islands (Motu-o-kura/Bare Island and Waikawa/Portland Island), identifying and counting all species of birds and marine mammals seen or heard.
7. The survey output is a robust, defendable, and spatially explicit dataset which will significantly enhance regional understanding of our coastal species. This dataset will allow us to make effective decisions to protect important coastal biodiversity.
8. Three interactive workshop days will be organised as part of the programme for the community, where people can not only learn about the birds and survey method, but also exchange their knowledge of birds and habitats from their points of view. Such workshops are planned in late January when the survey has been completed.

Strategic Fit

9. The HB Coastal Bird Survey will provide a strong knowledge base of indigenous species and habitats, informing the community to make joint prioritisation and active collaboration to protect and sustainably manage natural resources and characters of our coast (HBRC Strategic Plan 2017-2021).
10. It will collect critical information necessary for HBRC and the community to increase the effectiveness to implement existing and upcoming statutory frameworks including Regional Coastal Environment Plan, New Zealand Marine Oil Spill Readiness and Response Strategy 2018-2022, and National Policy Statement for Indigenous Biodiversity.
11. The Survey aligns with programmes in Biosecurity, Biodiversity, Predator Free Hawke's Bay, Coastal/Marine Science, and Policy work streams. The dataset will inform the Ecosystem Prioritisation Programme, Coastal and Marine ecosystem prioritisation (in progress), and Outstanding Water Bodies.

Decision Making Process

12. 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 Māori Committee receives and notes the “*Hawke’s Bay Coastal Bird Survey*” staff report.

Authored by:

Keiko Hashiba
TERRESTRIAL ECOLOGIST

Approved by:

Iain Maxwell
GROUP MANAGER INTEGRATED
CATCHMENT MANAGEMENT

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

MĀORI COMMITTEE

Wednesday 18 November 2020

Subject: 2021 SCHEDULE OF MEETINGS

Item 11

Reason for Report

1. This item provides the schedule of Council and Committee meetings for 2021 as adopted by Hawke's Bay Regional Council on 28 October 2020.

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 Māori Committee receives and notes the *"2021 Schedule of Meetings"*.

Authored by:

Leeanne Hooper
TEAM LEADER GOVERNANCE

Approved by:

James Palmer
CHIEF EXECUTIVE

Attachment/s

[!\[\]\(b64b40baaee5acddc1eab8538ba84754_img.jpg\) 1](#) 2021 HBRC Meeting Schedule

2021 Meetings Schedule adopted 28 October 2020

	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	
SAT					1								SAT
SUN					2 LTP Cons Close			1					SUN
MON		1	1		3			2			1		MON
TUE		2	2		4	1		3			2		TUE
WED		3 EICC	3 C&S /CD w/s		5 FARS	2 Planning		4 FARS	1 Planning		3 Māori	1 Planning	WED
THU		4	4	1 LTP Consultation	6	3	1	5	2		4	2	THU
FRI	1 NY Day	5	5	2 Good Friday	7	4 Coast	2 Drinking	6	3	1	5	3 Transport	FRI
SAT	2	6 Waitangi Day	6	3	8	5	3	7	4	2	6	4	SAT
SUN	3	7	7	4	9	6	4	8	5	3	7	5	SUN
MON	4 NY holiday	8 Waitangi holiday	8	5 Easter Monday	10	7 Queen's bday	5 X	9	6	4 X	8	6	MON
TUE	5	9	9	6	11	8	6 X	10	7	5 X	9	7	TUE
WED	6	10 Māori	10 Planning	7 Māori	12 EICC	9 Māori	7 X	11 Māori	8 EICC	6 X	10 EICC	8 Reserve Day	WED
THU	7	11	11	8	13	10	8 X	12	9	7 X	11	9	THU
FRI	8	12 Coast	12 Transport	9 Coast	14 Transport	11	9 X	13	10	8 X	12 Drinking	10	FRI
SAT	9	13	13	10	15	12	10	14	11	9	13	11	SAT
SUN	10	14	14	11	16	13	11	15	12	10	14	12	SUN
MON	11	15	15	12	17 LTP Hearings	14	12 X	16	13	11	15	13	MON
TUE	12	16	16	13	18 LTP Hearings	15	13 X	17	14	12	16	14	TUE
WED	13	17 LTP w/s /FARS	17 CD + Risk W/s	14 Planning	19 C&S	16 Reserve Day	14 X	18 C&S	15 Reserve Day	13 FARS	17 C&S	15 Council	WED
THU	14	18	18	15	20	17	15 X	19	16	14	18	16	THU
FRI	15	19 Transport	19 Drinking	16	21	18	16 X	20	17 Transport	15	19 Coast	17	FRI
SAT	16	20	20	17	22	19	17	21	18	16	20	18	SAT
SUN	17	21	21	18	23	20	18	22	19	17	21	19	SUN
MON	18	22	22 CDEMG JC	19 X	24	21	19 X	23	20	18	22 CDEMG JC	20 X	MON
TUE	19	23	23	20 X	25	22	20 X	24	21	19	23	21 X	TUE
WED	20	24 Council	24 Reserve W/s	21 X	26 Council	23 EICC	21 X	25 Council	22 Reserve Day	20 Planning	24 Council	22 X	WED
THU	21	25	25	22 X	27	24	22 X	26	23	21	25	23 X	THU
FRI	22	26	26	23 X	28	25	23 X	27	24 Coast	22 HBay Ann Day	26	24 X	FRI
SAT	23	27	27	24	29	26	24	28	25	23	27	25 Christmas	SAT
SUN	24	28	28	25 ANZAC Day	30	27	25	29	26	24	28	26 Boxing day	SUN
MON	25		29	26 ANZAC holiday	31	28 CDEMG JC	26	30 CDEMG JC	27	25 Labour Day	29	27 Christmas hol	MON
TUE	26		30	27		29	27	31	28	26	30	28 Boxing day hol	TUE
WED	27 Council +ws		31 Council	28 Council		30 Council	28 Council		29 Council	27 Council		29	WED
THU	28			29			29		30	28		30	THU
FRI	29			30			30 Coast			29		31	FRI
SAT	30						31			30			SAT
SUN	31									31			SUN
	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	

Key: **red, italicised print = tentative**; see Comments for extra info

Council - Hawke's Bay Regional Council

Planning - Regional Planning Committee

CDEMG JC - HB Civil Defence Emergency Management Group Joint Committee

Transport - Regional Transport Committee

Coast - Clifton to Tangaroa Coastal Hazards Strategy Joint Committee

FARS - Finance Audit & Risk Sub-committee

C&S - Corporate & Strategic Committee

EICC - Environment & Integrated Catchments Committee

Tenders Tenders Committee (scheduled as required)

Hearings Hearings Committee (scheduled as required)

HBRC-NKII Councillors + NKII Board

Māori Māori Committee (10am)

TW Hui RPC Tangata Whenua reps workshop (10am)

CDEM CEG CDEM Coordinating Executive Group (CEs only)

Drinking HB Drinking Water Governance Joint Committee

W/S Workshop

School Holidays

X no meetings

(D)AP (Draft) Annual Plan

(D)AR (Draft) Annual Report

DLS Daylight Savings

Fin Financials

CD Consultation Document

StrPin Strategic Plan

Subs Submissions

FT Field trip

HAWKE'S BAY REGIONAL COUNCIL

MĀORI COMMITTEE

Wednesday 18 November 2020

Subject: REPORTS FROM REGIONAL COUNCIL AND COMMITTEE MEETINGS

Item 12

Reason for Report

1. This item provides information from recent meetings attended by the Committee Co-chairs and representatives on Council committees, as attached, and the opportunity for the Māori Committee to discuss any matters of particular interest arising from those meetings.

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.

Recommendations

That the Māori Committee receives and considers the "*Reports from Regional Council and Committee Meetings*".

Authored by:

Te Wairama Munro
MAORI ENGAGEMENT COORDINATOR

Approved by:

Pieri Munro
TE POU WHAKARAE

Attachment/s

[1](#) Report from the Regional Transport Committee - Api Robin

**Hawke's Bay Regional Council Māori Committee
Regional Transport Committee Report Nov 2020**

In the short time that I have been the cultural rep on the Regional Transport Committee, it has been a privilege representing our Ngāti Kahungunu Taiwhenua for Te Rohe o Te Matau o Māui; Te Wairoa, Te Whanganui ā Orotu, Heretaunga and Tamatea Arikinui, to report on the aspirations of Iwi regarding the Regional Transport's future planning proposals.

As many will know, it has been an invaluable task working collaboratively with Stantec and Council staff to appreciate the many hours of meetings, collating, filtering sharing and debating with stakeholders and Treaty partners to eventually deliver the proposed programme.

For Iwi, we are asking for improved rural roads, regular maintenance, street lighting and appropriate signage around marae besides public transport, especially now, with the increasing developments of papakāinga housing on Māori land. Some law changes around marae road accessibility and responsibility are required by local Councils.

Iwi are keen to build more environmentally friendly homes that capture and use the rainwater to relieve pressure on the aquifer and harness the sunrays that provide warm dwellings utilising solar energy all year round. These well designed homes are extremely comfortable and, economically, power-saving households.

Iwi need Council support to eradicate the pests around the rural areas that are breeding out of control. The pukeko and rabbits are destroying plants and crops. Our kids are now playing with the rats that are running riot around some new homes.

Iwi definitely support wellbeing initiatives throughout the Region that involves cycling tracks, safe speed limits and major road improvements. We need more support for our rangatahi (youngsters) to acquire driver-licences. The Police and Transport Agencies need to be more user-friendly and understanding when dealing with all our vulnerable youth, whoever they may be.

It is important for Iwi to know and understand the ramifications of having accidents in vehicles rated 1 Star up to 5 Star. The upshot is that modern cars, 5 Star rated, have more air-bags and are better constructed that puts occupants at a low risk of death or serious injury at 12% compared to those involved in '1 Star and 2 Star rated' vehicles at a high 77% risk of death or severe injuries.

The Whakatu Community are not 100% behind the freight hub development in its Community. However, local Iwi leaders and those who represent our surrounding marae and district are keen to engage with the Council and Harbour Board Authorities on the future of the Freight-Hub. Building a positive relationship with all-concerned could certainly emulate the enormous amount of Community goodwill and respect that became the norm in the days of the Hawkes Bay Farmer's Meat Company, owners of the Whakatu Freezing Works.

Api Robin
(Cultural Rep)

HAWKE'S BAY REGIONAL COUNCIL

MĀORI COMMITTEE

Wednesday 18 November 2020

SUBJECT: SIGNIFICANT ORGANISATIONAL ACTIVITIES THROUGH NOVEMBER 2020

Item 13

Reason for Report

1. The commentary following is for the Committee's information, to highlight significant areas of Council activity, as provided to the 28 October 2020 Regional Council meeting.

Whole of Region		
Project / Activity Description	Significant Upcoming Milestone(s)	Group /Team or Section
2021 Long Term Plan development	<ol style="list-style-type: none">1. Detailed budgeting completed by staff by 30 October followed by Exec review.2. Council workshops scheduled for 11 November, 1, 2 16 December with aim to confirm funding and infrastructure strategies, policies, budgets and consultation topics by Christmas or end Jan at latest.3. One month community consultation scheduled for April 2021.	All Groups
Risk Maturity	<ol style="list-style-type: none">4. As part of HBRC's risk management maturity and the implementation of the recently adopted HBRC risk management policy and framework. Bowtie workshops have commenced for HBRC's Tier 1 risks, to provide a clearer understanding of the risk and control environment for the main risk. Bowtie workshops will continue through till early 2021.	Risk and Assurance
Internal Audit Programme	<ol style="list-style-type: none">5. A dashboard to track HBRC's internal audit programme is developed and will be presented at the 11 November 2020 Finance, Audit & Risk Sub-committee (FARS) meeting.6. An issues and action tracking dashboard for control and audit findings has been developed and will be presented at the 11 November 2020 FARS meeting.7. An internal review of HBRC business continuity response to the first wave of Covid19 is drafted and will be presented at the 11 November 2020 FARS meeting.8. The privacy review timeline is being re-baselined due to the recruitment of the two key roles of P&C Manager and Information Management Advisor as they are central to HBRC privacy policy and process decisions.	Risk and Assurance
Elections	<ol style="list-style-type: none">9. Advertised (19 September) the right of 5% of HB enrolled voters to demand a poll (by 21 February 2021) on the Electoral System (FPP or STV) to be used for the 2022 and 2025 elections.	Strategy & Governance Electoral Officer

Whole of Region																				
Project / Activity Description	Significant Upcoming Milestone(s)	Group /Team or Section																		
Regional Business Partner Programme & Callaghan Innovation	10. The total COVID Business Advisory funding pool for HB is \$2,056,128.00 . With a sizable pipeline of businesses seeking funds, RBP has limited funding available per business to \$2000 to support as many HB businesses as possible.	RBP																		
	<table><tr><th>Area of Expertise</th><th>Number of Vouchers</th><th>Value Issued</th></tr><tr><td>Business Planning</td><td>260</td><td>\$638,072.25</td></tr><tr><td>Cashflow Management</td><td>238</td><td>\$484,574.25</td></tr><tr><td>Digital Enablement/Marketing</td><td>253</td><td>\$579,451.50</td></tr><tr><td>Employment Relations/People Mgt</td><td>128</td><td>\$254,385.50</td></tr><tr><td>Health & Wellbeing</td><td>11</td><td>\$19,895.00</td></tr></table>		Area of Expertise	Number of Vouchers	Value Issued	Business Planning	260	\$638,072.25	Cashflow Management	238	\$484,574.25	Digital Enablement/Marketing	253	\$579,451.50	Employment Relations/People Mgt	128	\$254,385.50	Health & Wellbeing	11	\$19,895.00
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	Employment Relations/People Mgt		128	\$254,385.50																
	Health & Wellbeing		11	\$19,895.00																
	<ul style="list-style-type: none">total number businesses assisted since 16 March: 1062total vouchers issued: 890total voucher value issued: \$1,976,378.50average voucher value: \$2219																			
	11. RBP has issued \$116,262 of the Tourism Transition Fund of the original \$135,755 . This fund enables tourism businesses to access an additional \$5k for the same expert advice topics as COVID fund and includes business hibernation advice.																			
12. Top sectors RBP is working with are: <ul style="list-style-type: none">Other servicesAccommodation & FoodConstructionRetailAgriculture, Forestry & FishingManufacturing.																				
13. The additional Fixed Term 2.8 FTE RBP contract has been extended for an additional 7 weeks to 11 December enabling completion of transactions and closing client files. Concerns have been raised by the Contract Manager to RBP National regards the growth of the RBP visibility and audience post-COVID Advisory funds and how to resource this ongoing with the Business as Usual resourcing of 2.1FTE . MBIE is considering options for the RBP programme nationally.																				

Whole of Region		
Project / Activity Description	Significant Upcoming Milestone(s)	Group /Team or Section
People & Capability (including Health & Safety)	14. Health and safety still actively managing Covid-19 process. Covid-19 testing continues with cold symptoms numbers decreasing. 15. Meetings held with Napier based yoga instructor to provide Yoga as part of Wellness strategy. Good interest with launch date November 2020. 16. Meetings with CDEM (NCC Health and Safety Lead) to update health and safety documents should there be a critical event or resurgence of Covid-19. 17. Site visit with Hydrology to view role while water testing at the Karamu stream floodgates. 18. Site visit to view Works group new 'mulcher head' to assist with writing Code of Practice. 19. Attended the Hawke's Bay Chamber of Commerce 'Wellbeing' conference. Great keynote speakers Sir John Kirwin and Dr Ashley Bloomfield. 20. The People & Capability Team is currently recruiting for 9 vacant positions across the organization and successfully filled 5 roles in September. 21. Recruitment has begun for a number of summer students for various teams across Groups. 22. After several vacancies within the team, a new People & Capability Manager will head the team from mid-October leading both the Human resources and the Health & Safety function. 23. A new People & Capability Coordinator will join in November as well as a fixed term Advisor to help cover two parental leaves in the team.	People & Capability
Outstanding Water Bodies Plan Change (PC7)	24. Staff preparing reports and recommendations for the hearing scheduled to commence 30 November. Members of Hearing Panel have been confirmed as per RPC's recommendations in July.	Strategic Planning Policy & Planning
Climate Change	25. Climate Action campaign: update will be provided to the 4 November 2020 Environment and Integrated Catchments Committee. 26. Community perceptions survey completed and results will be presented to 4 November Environment and Integrated Catchments Committee meeting.	Strategic Planning Policy & Planning MarComms
Regional Land Transport Plan	27. The first draft of the Programme Business Case to support the Regional Land Transport Plan will be shared through a Regional Transport Committee workshop on 20 November.	Strategic Planning Transport

Whole of Region		
Project / Activity Description	Significant Upcoming Milestone(s)	Group /Team or Section
Catchment Services	<p>28. A full review of the Possum Control Area (PCA) programme is currently underway. This review was one of the key recommendations made in the Catchment Services S17a review. The PCA review will be presented to Council once complete.</p> <p>29. 12 properties in the Ongaonga area failed their possum monitor, so Biosecurity staff are working with them to become compliant with the RPMP rule.</p> <p>30. Aerial rook control is underway including two active urban rookeries. These nests will be treated at the end of October with a helicopter utilising an under slung strop man applying DRC 1339 gel bait directly into nests. The team is also collaborating with Gisborne District Council to treat the only known rookery in that region (Te Puia Springs).</p> <p>31. The Pest Plant team has contacted all land occupiers with Chilean Needle Grass and commenced control. This will continue through to January.</p> <p>32. HBRC will receive \$554,000 of central government funding over the next four years to control wilding conifers on private land in the Rangitaiki and Napier/Taihape Rd area. The first contract starts in November.</p> <p>33. Marine biosecurity – hull inspections were undertaken on commercial fishing vessels within the Ahuriri inner harbour. 8 out of the 13 vessels failed to meet the RPMP clean hull rule. Biosecurity staff are working with the companies to haul these vessels out and clean their hulls.</p>	Integrated Catchment Management Biosecurity/Biodiversity
Predator Free Hawke's Bay	<p>34. Final stages of the operational protocol development for proof of freedom modelling, to be implemented in the first 5500ha area of Mahia Peninsula.</p> <p>35. Taking part in full day online workshops of all the existing and new predator free projects in NZ to share knowledge and experience</p> <p>36. Finalising the research projects for this financial year with Manaaki Whenua – Landcare Research to meet the needs of the project and drive value for similar national projects</p> <p>37. Bait station and trap set up continues on remaining 9000 ha</p>	Integrated Catchment Management Biosecurity/Biodiversity
Catchment Management	<p>38. 3 Freshwater Improvement Fund applications have been submitted. Decisions on progression to Stage 2 are due by mid November.</p> <p>39. 1 application to MFE to the Public Waterways and Ecosystem Restoration Fund (PWERF) for shovel ready riparian fencing projects. We hope to have the deed back and signed by MFE by mid-November.</p>	Integrated Catchment Management
Right Tree Right Place	<p>40. Finalising RTRP LTP financial information requirements</p> <p>41. Modelling in catchment scenarios for targeted RTRP investment impact on sediment reduction</p> <p>42. High level linking of NPS Freshwater 2020 regulations to the RTRP investment context</p> <p>43. Continuing conversations with RTRP potential partners</p>	Integrated Catchment Management RTRP

Northern Catchment		
Project / Activity Description	Significant Upcoming Milestone(s)	Group /Team or Section

Northern Catchment		
Project / Activity Description	Significant Upcoming Milestone(s)	Group /Team or Section
Mohaka Plan Change	44. Reported to RPC on 14 October	Strategic Planning Policy & Planning Team
Nuhaka River Road	45. HBRC is acting in an advisory capacity to WDC with respect to design. River re-alignment works complete and box culvert installation underway. Road rehabilitation to follow in November.	Asset Management Regional Projects
Nuhaka Slip East Coast Farming Expo	46. The Catchment team is currently working with two consultants to review and advance plans for remediation of the Nuhaka Earthflow (Nuhaka slip). Field work begins in November and landowner consultation is ongoing. 47. Planning work and discussion with event organisers is underway for this event on the 24 & 25 February 2021.	Catchment Management
Ferry Road, River Parade, Wairoa	48. HBRC was successful in receiving Govt Resilience Funding managed by the PDU. Project value \$1m erosion protection at Ferry Hotel and River Parade, Wairoa with Govt contributing \$640k and local contribution of \$360k. Project programming is underway and contract due for signing end of October.	Asset Management Regional Projects
Area Manager Activity	49. The Wairoa Catchment Delivery Case Study has now been completed and is currently with Executive for review. 50. The Whakaki Catchment Pilot (joint MBIE, MPI, WDC & HBRC project) is nearing completion with the final phase being a meeting with landholders to discuss the results of the economic impact assessment. This is scheduled for mid to late November. 51. Multiple meetings have been held around the Mohaka Plan Change and the community engagement schedule is being finalised, with meetings proposed for Mohaka and Wairoa towards the end of November.	Integrated Catchment Management

Central Catchments		
Project / Activity Description	Significant Upcoming Milestone(s)	Group /Team or Section
TANK plan change (PC9)	52. 240 submissions received on the TANK plan. Preparations underway to release Summary of Decisions Requested in those submissions by November, then invite Further Submissions for a ten working day period. Hearings are being scheduled for May 2021.	Strategic Planning Policy & Planning
Ngaruroro and Clive Rivers – Application for Water Conservation Order	53. Expert caucusing regarding new evidence submitted by Forest & Bird occurred on 1 October. 54. Environment Court mediation was held on 15 & 16 October. Parties agreed to further expert planning caucusing before Christmas 2020. There is to be a final round of evidence exchange before the hearing which is set down for 9-19 February 2021.	

Central Catchments		
Project / Activity Description	Significant Upcoming Milestone(s)	Group /Team or Section
Heretaunga Plains Scheme review	55. HPFCS asset conditions completed for Tutaekuri and Ngaruroro river, currently ongoing lower Tukituki river condition assessment. 56. Council paper and update going on to EICC on the 4 th of November. 57. Hydrodynamic model for Tutaekuri has been constructed and calibrated, including scenarios for 100yr, 200yr and 500yr. Advice from NIWA confirmed our methodology of deriving discharges from flood frequency analysis. Still in discussions on methods of adding climate change into the flood frequency model. 58. Ngaruroro River hydrodynamic modelling underway, with completion by November. 59. Geotechnical testing is being scoped for two sites on Tutaekuri river for strengthening works as part of IRG (PDU) funded projects. The physical testing is planned to be undertaken in December 2020.	Asset Management Regional Projects
Flood Control Schemes	60. Asset Management Plans and Infrastructure Strategy are under review. Feedback from Council workshop being incorporated. Financial modelling will commence in October. 61. HBRC was successful in receiving Resilience Funding managed through PDU to accelerate the work towards the target 0.2% AEP (1:500) level of protection for the Heretaunga Plains Flood Control Scheme. \$20m overall project budget with 64% being funded by Govt and 36% by HBRC. Awaiting Contract with PDU. Project acceleration has been initiated.	Asset Management Engineering Regional Projects
Clive River Dredging	62. Council presentation and workshop to update and seek direction for the future work. 63. Soil testing results of proposed site(s) received, analysis of results completed and presented to affected party. 64. Resource Consent underway awaiting confirmation on the preferred option.	Asset Management Regional Projects
Lake Tūtira	65. Two tenders for Kahikanui stream bridge have been received out of a possible five. Preferred tenderer has submitted alternative design with \$50k savings compared to engineer's estimate. Site mobilisation early November with completion in early January 2021. 66. Assessment of Environmental Effects for Southern Outlet is being reviewed by Maungahuru Tangitu Trust. 67. Lake buoys on Waikōpiro and Tūtira have been serviced/upgraded and are currently operating well. The air curtain has been running without fault since the end of August. The continuous data being collected from both lakes will provide a robust dataset to help assess performance of the air curtain this season.	Asset Management Regional Projects
Gravel Management	68. Maraekakaho access road – Construction is on schedule, significant earthworks completed, SH50 shoulder widening underway with sealing due next month. 69. Global gravel extraction resource consent – prehearing meeting schedule for October 20 - completed but still not resolved all the issues and another meeting is scheduled for November. 70. Meeting and brief update is now scheduled in October with all gravel extractors. 71. Gravel allocation report for FY 2020-21 completed and approved.	Asset Management Regional Projects/ Schemes Regulation Consents

Central Catchments		
Project / Activity Description	Significant Upcoming Milestone(s)	Group /Team or Section
Heretaunga Plains water take renewals	72. Takes from the Heretaunga Plains unconfined aquifer (approx. 200 lodged) expired 31 May 2018 and are being exercised under s124. Renewals are being processed as a group, as requested by applicants. Report on the individual and combined stream depletion effects now received, and the draft report being prepared for discussion with parties. These are being kept on hold while the TANK Plan Change advances.	Regulation Consents
Bayview/ Whirinaki Extn	73. Funding confirmation has been approved following October Council meeting.	Asset Management Regional Projects
NZCT Priority Project Ahuriri Underpass Flooding Safety Issues	74. Working with NZTA around solution – seawall plan is finalised by OPUS for Southern End. Funding approved, work out to tender and will be let early Nov. Construction window expected Nov – March approx.	Asset Management Open Spaces
NZCT Priority Project Waimarama Rd Safety project	75. Working with HDC to complete safer off-road section parallel to Waimarama Road, for all trail users. Expected start next month.	Asset Management Open Spaces
NCC / HBRC Westshore tidal gates and NCC Lagoon Farm stormwater discharge consents	76. These applications were limited notified. The submission period has closed and no submissions were received. The consent will be processed without need for a hearing. Draft conditions have been circulated and are awaiting feedback from the applicants.	Regulation Consents
NCC Municipal Wastewater	77. NCC has begun repairs on both the 630m and 700m leaks. The repairs require several consecutive days of fine weather to undertake and NCC are confident that the leaks can be repaired within the abatement notice period.	Regulation Compliance & Enforcement
Council Stormwater Update	78. Quarterly steering group meetings have been held with HDC and NCC to discuss issues, compliance and work for the year ahead. Currently every Council including HBRC prepares their own stormwater education programmes. 79. HBRC is investigating options to pool resources with other TLAs to produce a region wide stormwater education programme. CHBDC has already indicated that they want to see a combined approach taken.	Regulation Compliance & Enforcement
Haumoana Ponds	80. A limited investigation into the Haumoana ponds last summer has raised questions around the potential cumulative effects of septic tanks from this, and other communities, around Hawke's Bay. Further work will be undertaken in collaboration with HDC this summer to confirm potential risks.	Asset Management Env. Science Compliance & Enforcement

Central Catchments																							
Project / Activity Description	Significant Upcoming Milestone(s)	Group /Team or Section																					
Incidents and Enforcement	<p>81. Pollution Response and Enforcement received 280 incidents (Air 187, Land 45, Surface water 38, Coastal 9, Ground Water 1) logged through our hotline for the period 1 July 2020-30 September 2020.</p> <p>82. Total infringements for year to date 1/7/20 – 14/10/20 = 22</p> <table border="1"> <thead> <tr> <th>No. Infringement</th><th>RMA section breached</th><th>Discharge of contaminants to:</th></tr> </thead> <tbody> <tr> <td>2</td><td>15(1)(a)</td><td>Water</td></tr> <tr> <td>1</td><td>15(1)(b)</td><td>Land where may enter water</td></tr> <tr> <td>1</td><td>15 (1)(c)</td><td>Industrial or trade premises to air</td></tr> <tr> <td>1</td><td>15(1)(d)</td><td>Industrial or trade premises to land</td></tr> <tr> <td>16</td><td>15(2)(a)</td><td>Air or land where breaches our RRMP</td></tr> <tr> <td>1</td><td>22(2)</td><td>Failure to supply information (name and address) to an enforcement officer</td></tr> </tbody> </table> <p>83. Hastings Demolition was convicted and fined the amount of \$11,900 with ninety percent of the fine to be paid to HBRC.</p> <p>84. We still await the sentencing decisions on the following Maxwell Farms (Effluent discharge), Farmers Transport and Dynes Tapanui (Stormwater discharge) and a sentencing indication on Johnny Appleseed (Spray drift).</p> <p>85. Additionally HBRC currently have 5 active prosecutions initiated year to date (14/10/20) various stages, which we are unable to comment on.</p>	No. Infringement	RMA section breached	Discharge of contaminants to:	2	15(1)(a)	Water	1	15(1)(b)	Land where may enter water	1	15 (1)(c)	Industrial or trade premises to air	1	15(1)(d)	Industrial or trade premises to land	16	15(2)(a)	Air or land where breaches our RRMP	1	22(2)	Failure to supply information (name and address) to an enforcement officer	Regulation Compliance & Enforcement
No. Infringement	RMA section breached	Discharge of contaminants to:																					
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1	22(2)	Failure to supply information (name and address) to an enforcement officer																					
Hawea Historical Park / Karamu Stream Diversion	<p>86. Hawea Park Draft Management plan is still under development. It needs clarifications on funding and co-funding opportunities.</p> <p>87. Ongoing monthly meetings with the Hawea Historical Park management committee.</p> <p>88. Stage 3 of the development being planned by the Open Spaces and Regional Project team.</p>	Asset Management Open Spaces Regional Assets																					
Waitangi Regional Park	<p>89. Marquee area - minor earthworks and foundations to be installed early November.</p> <p>90. Overflow car park nearing completion – some damage has occurred due to antisocial behaviour.</p> <p>91. Ongoing antisocial behaviour. CCTV cameras being considered for Pakowhai Regional Park carpark and Waitangi Regional Park carpark.</p> <p>92. New Waikahu wetland functioning well as a biodiversity habitat with remedial work complete to protect a section of the berm from wind lap erosion.</p> <p>93. Stage 3 of the development including vehicle access to the river and public toilet being considered and some feasibility planning under way.</p>	Asset Management Regional Projects																					
Soil Conservation Nursery	<p>94. The Works Group are in the final stages of signing a Service Agreement with HBRC Catchment Management to manage the day to day operations of the Allen Road soil conservation nursery and delivery of the annual pole production.</p>	Catchment Management																					

Southern Catchments		
Project / Activity Description	Significant Upcoming Milestone(s)	Group /Team or Section
CHBDC Wastewater discharge consents	<p>95. CHBDC have begun removing ineffective wetland treatment systems at Waipawa/Waipukarau WWTP as part of required upgrades under the enforcement order.</p> <p>96. Meeting was held between HBRC and CHBDC to discuss the proposed wastewater upgrades for most systems run by CHBDC. Community engagement on proposed options is occurred during August and Council endorsed the strategy in October. Resource consents applications are required and lodgement is pending for some of these activities.</p> <p>97. The upgrades will be completed in 9 phases across 5 projects, more information can be found here.</p>	Regulation Consents & Compliance
Tukituki ecosystem health guidance for farm consenting	<p>98. Guidance being finalised for farm plan providers to work through potential ecosystem health mitigations to include in farm plan consents, in situations when nitrogen limits cannot be met immediately.</p>	Regulation Consents & Compliance ICM
CHB A&P Show	<p>99. Planning work and discussion with event organisers is currently underway for this event on 12-14 November 2020.</p> <p>100. Application to the HBRC Erosion Control Scheme (ECS) for significant retirement and planting works in the Waipuka (Ocean Beach) Catchment. The application would leverage \$1.4m in 1BT and PGF funding.</p>	Catchment Management
Production land use consents - Tukituki catchment	<p>101. 25 complete production land use activity consents have been lodged and approximately 150 pre-applications received to date. Letters have been sent to applicants informing them of the new deadline of 26 February 2021 for lodgement of Tukituki land use resource consent applications.</p> <p>102. RPC agreed to withdraw from plan change process 19 August. Staff have reset the consenting programme for consenting following CI briefing. Procedural Guidelines and application forms have been updated. Advice on recent national changes (NES Freshwater and Stock exclusion regulations) has been integrated.</p> <p>103. Compliance staff are following up on the seven remaining properties who still have not provided a farm environment management plan (FEMP). To date we have had some 800 FEMPs.</p>	Regulation Consents & Compliance
Upper Tukituki Flood Control Scheme	<p>104. HBRC was successful in obtaining Government Resilience Funding managed through the PDU, for two projects:</p> <p>105. Erosion Control on Waipawa River u/s SH50 Bridge- Total project \$1m with \$640k from Government and \$360k from NZTA and HBRC combined. Detailed design nearing completion, physical works to commence November 2021</p> <p>106. Extraction of Gravel from Upper Tukituki Scheme. \$8m project total with \$5.1m from Govt and \$2.9m from HBRC. Further consultation with UTT ratepayers and LTP proposal to assist with long term loan funding option. Industry workshop held in early September, ongoing communication with key stakeholders. Analysis and river surveys being completed to determine more accurate volumes and locations of gravel available.</p>	Asset Management Regional Projects
Farm Environment Management Plans (FEMPs)	<p>107. Updates of FEMPs in the Tukituki catchment will be due by 26 February for those requiring consents. Others are due to be updated by the end of May. Activities and communications with farmers and farm plan providers over the next few months will be focused on people achieving these updates by the key dates.</p>	ICM – Catchment policy Implementation

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 Hawke's Bay Regional Council receives and notes the "*Significant HBRC Activities through November 2020*" staff report.

Authored by:

Jack Blunden
TEAM LEADER COMPLIANCE - URBAN & INDUSTRIAL

Jenny Brown
PRINCIPAL BUSINESS ADVISOR RBP

Desiree Cull
STRATEGY AND GOVERNANCE MANAGER

Craig Goodier
TEAM LEADER ENGINEERING

Martina Groves
MANAGER REGIONAL ASSETS

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Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

MĀORI COMMITTEE

Wednesday 18 November 2020

SUBJECT: OCTOBER 2020 STATUTORY ADVOCACY UPDATE

Item 14

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 Māori Committee receives and notes the "*October 2020 Statutory Advocacy Update*" staff report.

Authored by:

Nichola Nicholson
POLICY PLANNER

Ellen Robotham
POLICY PLANNER

Approved by:

Ceri Edmonds
ACTING GROUP MANAGER STRATEGIC
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Attachment/s

[!\[\]\(683dba75afe26e28cd4de5730b776760_img.jpg\) 1](#) November 2020 Statutory Advocacy Update

Statutory Advocacy Update (as at 30 October 2020)

Note updates since last meeting (9 September 2020) are provided in red text

TABLE 1: NATIONAL PROPOSALS

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

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

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

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

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

TABLE 2: TERRITORIAL LOCAL AUTHORITY PROPOSALS

Received	TLA	Proposal	Applicant/ Agency	Status	Current Situation
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 pending	<ul style="list-style-type: none"> HBRC has opposed the application based on concerns regarding natural hazards including tsunami inundation, stormwater, earthworks and transport connectivity. A copy of the submission will be made available on HBRC's website. Staff and applicants are arranging a meeting to discuss options to alleviate HBRC's concerns.
July 2020	NCC	Application to Ministry of Transport Pipeline Protection Zone under the Submarines Cables and Pipeline Protection Act 1996 Application made to seek protection for submarine pipes in the coastal marine area.	Napier City Council, Hastings District Council, Pan Pac Forest Products Ltd	Application made June 2020 – public feedback closed July 2020	Feedback submitted. A copy of H BRC's submission can be found at HBRC Submissions .
March 2020	NCC	Napier City Council District Plan Review – Discussion Documents NCC released and sought public feedback on discussion documents relating to the following topics: 'Ecosystems and Indigenous Biodiversity', 'Natural Features and Landscapes', 'Built Heritage' and 'Greenfield Growth in the Hills'.	Napier City Council	Discussion documents released – public feedback closed 1 May 2020.	Submissions lodged separately on Ecosystems and Indigenous Biodiversity, and Greenfield Growth in the Hills. Copies can be found at HBRC Submissions .
Aug 2019	HDC	Seasonal Workers Accommodation Plan Change 1 HDC have notified Plan Change 1 (previously referred to as Variation 7) to the proposed Hastings District Plan which relates to Seasonal Workers Accommodation.	Hastings District Council	Decisions issued. Subject to appeal, mediation pending	<ul style="list-style-type: none"> Submission lodged, a copy can be found at HBRC Submissions. HDC issued its decisions on 30 April 2020. Three parties have lodged appeals. HBRC has joined these appeals as an interested party. Mediation has been set down for 28 October 2020. As the Hastings District Plan has been made operative, Variation 7 is now referred to as Plan Change 1.

Received	TLA	Proposal	Applicant/ Agency	Status	Current Situation
May 2019	CHBDC	Central Hawke's Bay District Plan Review CHBDC are undertaking a full review of the District Plan. Notification of proposed review plan is anticipated in early 2020.	Central Hawke's Bay District Council	Draft review discussion document released – public feedback closed.	Feedback submitted. A copy of HBRC's submission can be found at HBRC Submissions .
Nov 2018	NCC	Napier City District Plan Review Review of District Plan has been initiated. Preliminary phase of review underway with notification of proposed reviewed plan in 2020/21.	Napier City Council	Ongoing - Draft review discussion document feedback closed	Previously... Napier City Council have publicly launched a review of their district plan. There will be further opportunities during NCC's District Plan Review process for HBRC to provide feedback and influence content.
13 July 2016	HDC	Howard Street Rezoning Variation 3 Variation to rezone 21.2 hectares of land from its current Plains zone to General Residential zone in between Howard Street and Havelock Road.	Hastings District Council	HDC Decisions issued Subject to appeal, mediation ongoing	Previously... <ul style="list-style-type: none"> Following Environment Court-assisted mediation and discussions between engineering experts, parties have indicated resolution is achievable regarding land for stormwater management. Final documentation is being drafted by HDC for Court's approval. Parties to the appeal have been discussing recently completed stormwater engineering investigations and geotechnical assessments and how the District Plan rezoning appeal might now be resolved. HDC issued its decisions on 25th March 2017.
18 Jan 2016	WDC	Resource Consent Application Consent is sought to clear 248 hectares of Manuka and Kanuka on Part Umumanfo 2 Block on Kopuawhara Road, Mahia.	Applicant R & L Thompson Agent Insight Gisborne Ltd	Limited Notified WDC hearing pending	Previously... <ul style="list-style-type: none"> HBRC has opposed the application based on concerns relating to the loss and degradation of soil (erosion) and water quality. A copy of the submission can be found at HBRC Submissions. HBRC staff and applicants have held discussions about potential alternative clearance proposals.

Received	TLA	Proposal	Applicant/ Agency	Status	Current Situation
8 Nov 2013	HDC	Proposed Hastings District Plan Review of the Hastings District Plan in its entirety. Includes the harmonisation of district wide provisions between the Napier District Plan with the Hastings District Plan where relevant.	Hastings District Council	Notified HDC decisions issued, subject to appeals	Previously... <ul style="list-style-type: none"> Over 40 separate appeals were lodged against HDC's decisions by other groups and individuals. HBRC joined as a section 274 interested party to proceedings on eleven (11) of those appeals. All but one of those appeals has been resolved. That last one will be awaiting the appellant to prepare a draft 'structure plan' for their development area in Havelock North. HDC issued its decisions on 12 September 2015. Council staff reviewed the decisions and were satisfied that HBRC's submission has been appropriately reflected so did not need to lodge an appeal itself. http://www.hbrc.govt.nz/HBRC-Documents/HBRC-Documents/20140214-Submission-HDC-District-Plan.pdf

TABLE 3: OTHER PROPOSALS

Received	Proposal	Agency	Status	Current Situation
9 Dec 2017	HB Fish and Game Council's Draft Sports Fish and Game Management Plan A draft management plan under the Conservation Act to eventually replace the current 2005 Sports Fish and Game Management Plan for the HBFG region.	HB Fish and Game Council	Notified, Submissions closed. Hearing pending	Previously... Submission lodged. A copy of HBRC's submission can be found at HBRC Submissions .

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"> Eight parties lodged further proceedings with the Environment Court regarding the Special Tribunal's recommendation report. Council lodged further proceedings in relation to the implementation of the draft Order. Because the Environment Court has received submissions, an inquiry will be held. Pre-hearing expert witness conferences were held in March regarding hydrology, water quality, avifauna, fish, and planning. Environment Court proceedings were paused during the Level 4 and Level 3 of COVID-19 response. Forest & Bird have introduced new evidence which has been accepted by the Court. An additional round of evidence exchange has occurred and expert witness conferencing is to take place on 1 October 2020. As a result, mediation has been delayed from 30 September – 2 October 2020, to 15 - 16 October 2020. The hearing remains set down for 9 – 19 February 2021. For more information, see: https://www.epa.govt.nz/public-consultations/decided/water-conservation-order-ngaruroro-and-clive-rivers/

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

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

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

Iwi/Hapu/Whanau	High Court or Crown Engagement	Customary Marine Title	Protected Customary Right	HBRC to join & date	Area Description	Current Situation
						<p>Paul has now become the lead applicant with other applicants joining his application. Hillary Seymour has joined the application claim title over the area in the Hawke's Bay region (including areas spanning from Nuhaka to Waimarama).</p> <p>Churchman J issued a minute (Ngāti Pāhauwera (No 8)), which was critical of Mr Paul's failure to work towards preparing for the February/March hearings dates. He made clear that the Court has directed that cross-claims be heard together and that applicant cannot dictate to the Court the basis on which they will participate in hearings.</p> <p>The Court has noted Mr Paul's desire to participate only as an interested party but has been warned of the consequences of this (16 June 2020).</p> <p>Application withdrawn in its entirety (23 July 2020)</p>
R. Dargaville for NZ Māori Council	Court CIV-2017-404-538	Yes	Yes	No	Waimarama to Blackhead Point	<p>Hawkes Bay portion of national application withdrawn.</p> <p>Application withdrawn in its entirety (23 July 2020)</p>
Maungaharuru-Tangitu Trust	Court CIV-2017-485-241	Yes	Yes	Yes	Waitaha Stream in the north to Keteketerau (Bay View) in the south our to 12NM limit.	<p>Application to be considered in full as part of Ngāti Pāhauwera's application (12 February 19)</p> <p>HBRC evidence to be lodged by 25th September 2020.</p> <p>Application to be heard February/March 2021.</p>
Ngāti Pāhauwera Development	Court	Yes	Yes	Yes	Poututu Sream in the north to the Esk river in	Application to be considered

Iwi/Hapu/Whanau	High Court or Crown Engagement	Customary Marine Title	Protected Customary Right	HBRC to join & date	Area Description	Current Situation
Trust	CIV-2011-485-821				<p>the south, out to 12NM limit.</p> <p>Application made to extend southern boundary of application area to just south of Napier Port.</p> <p>Application for extension of southern boundary struck out due to it being considered in essence a new application.</p>	<p>contemporaneously with applications from Ngāti Pāhauwera Development Trust, Malcom J. Kingi on behalf of Ngai Tahu o Mōhaka Waikare, Maungaharuru-Tangitū Trust (MTT), Cletus Maanu Paul.</p> <p>HBRC evidence to be lodged by 25th September 2020.</p> <p>Application to be heard February/March 2021.</p>
Rongomaiwahine Iwi Trust (previously lodged by Pauline Tangiroa)	Court CIV-2011-485-794	Yes On hold at applicant's request	Yes On hold at applicant's request	Yes	Between Paritū (in Gisborne district) in the north and the mouth of the Nūhaka River. in the south, including areas surrounding Te Māhia Peninsula out to 12NM limit.	<p>On hold at applicants request pending Crown engagement application process.</p> <p>Memorandum filled seeking that high court application remain adjourned while it negotiates the crown (July 2020).</p>
Poronia Hineana Te Rangi Whanau (C.Clarkson)	Court CIV - 2011-485-789	Yes	No	Yes	Whangaehu in the north to Poroporo (in Horizons region) in the south, including Cape Turnagain out to 12NM limit.	<p>Council's evidence to be filled by the 30th June 2020.</p> <p>Affidavit received from Landowners Coalition Incorporated (interested party) (June 2020).</p> <p>Application made by applicant's counsel to withdraw and subsequent direction from Churchill J to appoint pukenga. (May 2020).</p> <p>Council submitted evidence 30th June 2020.</p> <p>Hearing of case to be moved to the 9th November 2020 due to Ngati Kere being at the Waitangi Tribunal the week prior.</p>
Ngati Parau Hapu (Waiohiki Marae Board of Trustees)	Court CIV-2017-485-246	Yes	Yes	Yes	The area from the Ahuriri Harbour entrance including the inner harbour and Pandora area. Ends approx. 11km south of the old harbour entrance at the southern end of the Tutae o Mahu block. Extends 12NM out including Pania Reef.	<p>Application to be considered in full as part of Ngāti Pāhauwera's application (February 2019).</p> <p>Due to Ngāti Pāhauwera's claim area extension being reject the application no longer overlaps with this application. However, it has been determined that it will still be heard in conjunction with the</p>

Iwi/Hapu/Whanau	High Court or Crown Engagement	Customary Marine Title	Protected Customary Right	HBRC to join & date	Area Description	Current Situation
						Ngāti Pāhauwera application. HBRC evidence to be lodged by 25 th September 2020. Application to be heard February/March 2021.
Rangitāne Tū Mai Rā Trust	Court CIV-2017-485-224	Yes	Yes	Yes	Arataua (Poroporo) in the north to Turakirae Point (in Wellington Region) in the south out to 12NM limit.	Application lodged in Wellington High Court 31/3/17. Public notice 26/4/17. Copy received by HBRC 21/4/17.
Maungaharuru-Tangitu Hapu	Court CIV- 2017-485-241	No	Yes	Yes	Waitaha Stream in the north to Keteketerau (Bay View) in the south out to 12NM limit.	
Tamanuhiri Tutu Poroporo Trust	Court CIV-2017-485-314	Yes	Yes	Yes	Kopututea in the north (in Gisborne District) to Paritū in the south, out to 12NM limit.	Application lodged in Gisborne High Court 3/4/17. Public notice 29/4/17. Copy received by HBRC 5/4/17.
Peter Riki Mihaere - on behalf of Ngāti Kurupakiaka, Te Aitanga a Puata & Ngāti Tauira (see Crown application filed under Te Aitanga a Puta)	Court CIV-2017-485-230	Yes	Yes	Yes	NE side of Wairoa River bar to Hikakawa Bluff extended to Waikokopu stream, SW side from the river mouth to Poututu stream by a line extending from coast abutting the SW side of Poututu stream to Cape Kidnappers to 12NM .	
Rangitane Tu Mai Ra Trust	Court CIV-2017-485-224	Yes	Yes	Yes	Arataua (Poroporo) in the north to Turakirae Point (in Wellington Region) in the south out to 12NM limit.	Rangitane o Wairarapa me Tamaki nui-a-Rua has joined this application.
Te Rauhina Marae & Hapu (Ngāti Kahu, Te Uri o Te O, Ngā Huka o Tai, Aitanga a Puata, Ngai Te Rangituanui, Ngai Matua, Ngāti Koropi)	Court 2017-485-288	Yes	Yes	Yes	Hika Kawa on east side where Iwitea boundary ends to Pilot Hill before Whakamahia Lagoon, out to 12NM. Boundaries in Ngamotu Lagoon, 1km up Wairoa River.	Application seeks crown engagement first.
Anita Broughton – on behalf of Te Hika o Papauma	Court CIV-2017-404-481	Yes	Yes	Yes	Landward side by the line of MHWS at the mouth of Whareama River, seaward side by 12nm, Whareama river mouth (south point) up to Poroporo (north, to 12NM east and westward).	
Heretaunga Tamatea	Court	Yes	Yes	Yes	From just south of Napier Bluff Hill to 4 KM	

Iwi/Hapu/Whanau	High Court or Crown Engagement	Customary Marine Title	Protected Customary Right	HBRC to join & date	Area Description	Current Situation
	CIV-2017-485-				north of Cape Turnagain.	
Mana Ahuriri	Court CIV-2017-485-	Yes	Yes	Yes	Panepaua (near Tangoio) in the north to Ngaruroro rivermouth in the south, including the Ahuriri Estuary, out to 12 NM limit.	
Tracy Francis Hiller (on behalf of Ngai Tamahaua Hapu)	CIV-2017-485-262	Yes	Yes	TBC	The part of the area defined in the New Zealand Boundaries Act 1863 (UK) which is East of Whakatane, i.e.: All that marine and coastal area lying between the one hundred and seventy-seventh degree of East longitude and the one hundred and seventy-third degree of West longitude, and between the thirty-third and fifty-third parallels of South latitude.	
Te Rauhinu Marae Trustees (aka Ngati Kaahu and Others)	CIV-2017-485-288	Yes	Yes	Yes	The area from Hika Kawa on the east to Pilot Hill just before Whakamahi/Whakamahia Lagoon and 12NM to sea. Also boundaries in Ngamotu Lagoon and 1km up Wairoa River. Area stretches from the mouth entrance of the sea to Kaimango Pa at Spooners point.	
Pauline Tangiora on behalf Rongomaiwahine Iwi	Crown	Yes	Yes	n/a	Between Paritū (in Gisborne district) in the north and the mouth of the Nūhaka River in the south, including areas surrounding Te Māhia Peninsula out to 12 NM limit.	
Maungaharuru-Tangitū Hapu	Crown	Yes	Yes	n/a	Waitaha Stream in the north to Keteketerau (Bay View) in the south out to 12NM limit.	
Ngāti Pāhauwera (1 of 2) Ngāti Pāhauwera Development Trust	Crown	Yes	Yes	n/a	From Poututu Stream in the north to Pōnui Stream in the south out to 12NM limit.	
Ngāti Pāhauwera (2 of 2) Ngāti Pāhauwera Development and Tiaki Trusts	Crown	Yes	Yes	n/a	Pōnui Stream in the north to Esk River in the south, out to 12NM limit.	
Rongomaiwahine Iwi	Crown	Yes	Yes	n/a	Between Paritū (in Gisborne district) in the north and the mouth of the Nūhaka River in the south, including areas surrounding Te Māhia Peninsula out to 12 NM limit.	
Mana Ahuriri Iwi Inc.	Crown	Yes	Yes	n/a	Panepaua (near Tangoio) in the north to Ngaruroro rivermouth in the south, including	

Iwi/Hapu/Whanau	High Court or Crown Engagement	Customary Marine Title	Protected Customary Right	HBRC to join & date	Area Description	Current Situation
					the Ahuriri Estuary, out to 12 NM limit.	
Ngā Hapu Kairakau me Pourerere	Crown			n/a	No map provided.	
Ngā Hapu o Iwitea Marae	Crown	Yes	Yes	n/a	From Hikakawa Bluff in the west to Hereheretau B1 Block to the east.	
Ngā hapu o Te Whakaki (Ngāti Hine, Ngāti Hinepua, Ngai Te Ipu)	Crown			n/a	No map provided.	
Ngāti Kahukura and Ngāti Rakaipaka (Kahukura Whanau Trust)	Crown			n/a	Nuhaka River mouth in the north to Wairoa River mouth in the south, out to 12NM limit. (from the Wairoa River to Waikokopu OTS 07.07.17).	
Ngāti Kere hapu incl. Ngāti Manuhiri, Ngāti Pihere & Ngāti Hinetewai (Ngāti Kere MACA working party)	Crown	Yes	Yes	n/a	CMT - The Wainui stream mouth to the Ouepoto stream mouth out 12NM or 22.2km offshore. PCT - Ouepoto stream in the north to Akitio river in the south.	
Ngāti Kirituna (Archie Fabiam Waikawa)	Crown	Yes	Yes	n/a	The area from Nuhaka River mouth to the Wairoa River mouth. This area extends 12NM offshore between these two points	
Ngāti Rahui , Ngai te Apatu (Ngai te Apatu Trust)	Crown	Yes	Yes	n/a	From Poututu Stream into the Wairoa River mouth.	
Rongomaipapa Marae	Crown	Yes	Yes	n/a	CMT: The area from Kihitu to Mahia. Also the area from Papmoa Beach to Maketu, excluding Motiti Island. PCR: The are from Kikitu to Mahia. Also the area of Makatu.	
Te Aitanga a Puta, Ngāti Kurupakia e Ngai Tauira (see High Court Application' filed under Peter Riki Mihaere also)	Crown	Yes	Yes	n/a	The area from Cape Kidnappers stretching around to Waikokopu Stream. This area extends out to Lachlan banks and further out to 12NM between the two points.	

HAWKE'S BAY REGIONAL COUNCIL

MĀORI COMMITTEE

Wednesday 18 November 2020

Subject: MĀORI REPRESENTATION ON HAWKE'S BAY REGIONAL COUNCIL

Item 15

Reason for Report

1. This item provides tangata whenua representatives with information relating to Māori representation on the Hawke's Bay Regional Council to enable the Committee to provide advice to inform Council's decision on whether or not to establish Māori representation for the 2022 and 2025 local government elections.

Tangata whenua Considerations

2. Ultimately, the question Council is asking today is "*Do tangata whenua representatives on the Committee support the establishment of Māori representation for the region?*"
3. In considering the establishment of Māori representation on HBRC, it is noteworthy that:
 - 3.1. this will not affect the tangata whenua Representative appointments to the Regional Planning Committee, or the role of that Committee in accordance with the Hawke's Bay RPC Act 2015 and its Terms of Reference
 - 3.2. this is currently not assumed to replace Taiwhenua representative appointments to the Māori Committee, or the advisory role of that Committee in accordance with its Terms of Reference and Charter.

Executive Summary

4. The Local Electoral Act 2001 (LEA) provides for the establishment of Māori constituencies for regional councils. This can be achieved either by way of a Council resolution (today's Council decision) or as the outcome of a poll of electors. The statutory provisions for establishing Māori constituencies are set out in sections 19Z to 19ZH of the LEA.
5. A Council resolution can be made at any time, however if Council wants Māori representatives to be elected at the next triennial election, the resolution (decision) must be made before 23 November 2020 (two years prior to the next election date), which is why Council is considering this now.
6. In order to achieve fair and effective representation at elections, local authorities are required by the LEA to review their representation arrangements at least once every six years. When consideration was given to Māori constituencies previously, in 2017, it was as one step toward that representation review process which (2017-18) included:
 - 6.1. Consideration of electoral system, Single Transferable Vote (STV) or First Past the Post (FPP) and consideration of whether to establish Māori constituencies
 - 6.1.1. These decisions are not formally part of the representation review process, however are important in helping to identify appropriate representation arrangements for the region, and need to be resolved before the detailed constituency arrangements are determined.
 - 6.2. Review of Council's representation arrangements to provide for 'effective representation of communities of interest' (ss19T and 19U) and 'fair representation of electors' (s19V) by considering:
 - 6.2.1. the number of constituencies and their boundaries, names, and
 - 6.2.2. the number of members.

Background

7. Council's most recent consideration of Māori representation was in 2017. Prior to that, consideration had been given to the question as part of representation reviews in 2006 and 2012, neither of which progressed to Council decision as not supported by the Māori Committee in place at the time.
8. Leading up to Council's 2017 decision on whether to establish Māori representation, hui were held to provide tangata whenua with the opportunity to actively come together to understand and consider their aspirations in regards to Māori representation on the Council. The collective preference from the Hui a Iwi was in support of the establishment of Māori representation (attachment 1).
9. The Council decision on 15 November 2017 (attachment 2) was:
 - 9.1. Resolves, in accordance with s.19Z of the Local Electoral Act 2001, to not establish Māori constituencies for the Hawke's Bay Region for the 2019 local body elections.
 - 9.2. Instructs the Chief Executive to give public notice of Council's decision in this regard.
10. Following Council's 15 November 2017 resolution, Council officers advised that the next opportunities for consideration of the establishment of Māori representation on HBRC would be:
 - 10.1. holding a poll on Māori constituencies at the 2019 election (requiring a resolution of Council)
 - 10.2. resolving to establish Māori constituencies within timeframes (by 23 November 2020) for the 2022 election
 - 10.2.1. councillors requested, at their 15 October 2020 strategic planning day, that staff prepare information for Council consideration
 - 10.2.2. Council staff provided information, in workshop on 4 November 2020, to enable councillors to consider whether or not to proceed with an extraordinary meeting on 18 November for Council resolution
 - 10.3. reconsidering as part of the next Representation Review required to be undertaken in 2024 (consideration in 2023 preceding the review).

Options Assessment

11. The options available to tangata whenua are to put forward an agreed view either supporting the establishment of Māori representation for Hawke's Bay or in opposition, or advising an agreed view cannot be reached at this time.

Legislative Framework

12. The following legislative references are provided for tangata whenua to consider.
 - 12.1. The purpose of local government is – (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future (LGA section 10).
 - 12.2. A local authority must – (a) establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority; and (b) consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority' (LGA section 81).
 - 12.3. A principle of the Local Electoral Act 2001 is that local authorities must implement '(a) fair and effective representation for individuals and communities' (LEA section 4(1)(a)).
 - 12.4. Candidates for Māori constituencies can be non-Māori and/or not on the Māori roll – (s25, LEA) "any person enrolled as a parliamentary elector may be a candidate

for any election held under the LEA”, however Nominators must be on the Māori Roll in the Māori Constituency the candidate is standing for – same as the general law “a nominator must be an elector for the electoral area they are nominating someone for (s26, LEA).

Calculating the number of members

13. The process for determining the number of members to be elected from both Māori and general constituencies is set out in the LEA and involves:

- 13.1. determining the total number of members of the local authority
- 13.2. multiplying the total number of members by the ratio of the Māori electoral population to the total (Māori and general) electoral population by applying the following formula.

$$\text{nmm} = \frac{\text{mepd}}{\text{mepd} + \text{gedp}} \times \text{nm}$$

nmm is the number of Māori ward members

mepd is the Māori electoral population of the district

gedp is the general electoral population of the district

nm is the proposed number of members of the territorial authority.

Fractions are rounded up or down to the nearest whole number.

14. Table 1, following, shows that by implementing this formula for the Hawke's Bay Region, the outcome would be **two** Maori Constituency Members.

Table 1

Region	Māori Electoral Population	General Electoral Population	Total Population	Total Members	Māori Constituency Members	Māori Constituency Members (Rounded)
Northland Region	44,142	134,934	179,076	9	2.22	2
Waikato Region	70,833	387,369	458,202	14	2.16	2
Bay of Plenty Region	59,937	248,562	308,499	14	2.72	3
Hawke's Bay Region	29,685	136,680	166,365	9	1.61	2
Taranaki Region	13,500	104,064	117,564	11	1.26	1
Manawatū-Whanganui Region	33,231	205,563	238,794	12	1.67	2
Wellington Region	40,065	466,749	506,814	13	1.03	1
West Coast Region	1,875	29,700	31,575	7	0.42	0
Canterbury Region	29,892	569,802	599,694	14	0.70	1
Otago Region	9,798	215,388	225,186	12	0.52	1
Southland Region	7,509	89,961	97,470	12	0.92	1

15. There is no discretion as to the number of representatives to be elected. That number is determined solely by the formula above. The discretion, based on ‘fair and effective representation’ for Council is in the number of constituencies (1 or 2 in this case) established.

Key dates and Next Steps

16. As part of this current process, detailed timeframes relating to the establishment of Māori constituencies, found within the statutory provisions of the LEA and illustrated in attachment 3, are:

- 16.1. a local authority may resolve to establish Māori Constituencies, if made no later than 23 November (2020) two years before the next (2022) triennial local election, the resolution takes effect for the next two triennial local elections (section 19Z)
 - 16.1.1. if a local authority makes such a resolution it must give public notice of this fact by 30 November (2020) two years before the next triennial local election including a statement that a poll can be demanded by 5% of electors to countermand that resolution (section 19ZA)
- 16.2. if, prior to 21 February (2021) in the year before the next triennial local election, a valid demand for a poll is received (as per 7.1.1 above) this is notified to the electoral officer and the poll must be held no later than 21 May (2021) in that year, and the (binding) result of the poll takes effect for the next two triennial local elections (section 19ZF).
17. Should Council's decision be to 'establish Māori representation' for the region, a significant programme of engagement would be initiated ahead of the formal Representation Review (timelines in attachment 4), which would commence in June 2021 after completion of Council's Long Term Plan consultation.

Decision Making Process

18. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report relates to decisions to be made in accordance with Local Electoral Act provisions, the LGA decision making provisions do not apply.

Recommendations

That the Māori Committee:

1. Receives and considers the "*Māori Representation*" staff report
2. Puts forward an agreed view, in support of or opposed to, for Council to consider as part of its decision making process on whether to establish Māori Constituencies in Hawke's Bay.

Authored by:

Leeanne Hooper
TEAM LEADER GOVERNANCE

Pieri Munro
TE POU WHAKARAE

Approved by:

James Palmer
CHIEF EXECUTIVE

Attachment/s

- [1](#) 2017 Taiwhenua Feedback and Recommendation
- [2](#) 15 November 2017 Regional Council Minute - Maori Constituencies
- [3](#) 2020-23 Maori Constituencies Decision Consequences Flowchart
- [4](#) Representation Review Timelines
- [5](#) Māori Representation Presentation

MĀORI COMMUNITY VIEWS ON MĀORI REPRESENTATION ON THE HAWKE'S BAY REGIONAL COUNCIL

Reason for Report

1. To provide Council with the Māori Committee's recommendation for consideration in its decision making process to determine whether to establish Māori constituencies for the 2019 and 2022 local government elections; that recommendation being:
 - 1.1. The Māori Committee recommends that Council resolves to establish one or more Māori constituencies to enable the election of two Māori representatives on the Hawkes Bay Regional Council at the next local election in 2019.

Background

2. As part of its Representation Review, the Hawke's Bay Regional Council will first consider whether to establish Māori constituencies for the Hawke's Bay region. Māori constituencies may be established either by way of a local authority (HBRC) resolution or as the outcome of a poll (referendum) of electors.
3. Following a Māori Committee workshop on Friday 15 September, it was agreed that four Hui A Iwi would be coordinated to invite hapū, whānau and marae members to consider this important topic.

Hui A Iwi

4. Each of the four Ngati Kahungunu Taiwhenua hosted hui during October to discuss Māori representation on the Council. These were hosted by:
 - 4.1. Te Taiwhenua o Heretaunga (2 October)
 - 4.2. Te Taiwhenua o Tamatea (9 October)
 - 4.3. Te Wairoa Taiwhenua (13 October) and
 - 4.4. Te Taiwhenua o Te Whanganui-a-Orotū (25 October).
5. These four hui were advertised via local newspapers and social media.
6. Numbers ranged between 10 -20 with attendees at these hui, including local Māori and two RPC Tangata Representatives (Toro Waaka and Apiata Tapine), councillors Tom Belford (Heretaunga), Paul Bailey (Heretaunga), Debbie Hewitt (Tamatea) and Neil Kirtton (Te Whanganui-a-Orotū). Councillor Fenton Wilson offered his apologies to the Wairoa hui, as he was unable to attend due to a prior commitment. Council staff also attended to provide technical support and process information.

Feedback

7. Key points that emerged from all four hui include:
 - 7.1. All very keen and committed to have Māori representatives at the Regional Council table
 - 7.2. Recognise the landscape of change is upon Māori, however there is work still needed to ensure greater Māori voting participation
 - 7.3. A question was asked, "by supporting Māori representative seats on the Council would the Māori Committee (MC) then cease to exist?" Responses informed the hui that MC is in existence at the behest of the current Council therefore at any triennium the committee can be retained or removed. The members of the MC wanted to pursue this conversation regardless if they are to remain or not - this is about targeting the greater kaupapa of *Māori representation*. There is currently a Statutory

Committee of Tangata Whenua - the RPC - so it is with confidence that the MC members know Māori voices are at the table. The MC of the HBRC has been in existence for over 20+ years and has proven its value so the HBRC would need to consider the removal very carefully.

8. These four hui have provided a voice for Tangata Whenua to actively come to understand, fully participate and consider their aspirations and tools needed to enable their rights and responsibilities to be fulfilled in regards to Māori representation on the Council.

Next Steps

9. Once the Council has made its decision, there is much work to be done, including:
 - 9.1. to develop a robust communication plan inclusive of the whole community
 - 9.2. further conversations to encourage Māori to actively take this korero and position forward
 - 9.3. Ensure that representation includes local voices, particularly from the Wairoa rohe.

Authored by:

Joyce-Anne Raihania
SENIOR PLANNER
GOVERNANCE AND IWI LIAISON

Approved by:

HBRC Maori Committee



MINUTES OF A MEETING OF THE REGIONAL COUNCIL

Date:	Wednesday 15 November 2017
Time:	9.00am
Venue:	Council Chamber Hawke's Bay Regional Council 159 Dalton Street NAPIER
Present:	R Barker - Chairman P Bailey P Beaven T Belford A J Dick R Graham (via audio link) D Hewitt N Kirton F Wilson
In Attendance:	M Paku – Deputy Chairman – Maori Committee J Palmer – Chief Executive J-A Raihania – Senior Planner Governance and Iwi Liaison E Lambert – Group Manager External Relations L Hooper – Electoral Officer J Buttery – Governance Administration Assistant

4. Māori Constituencies

Mrs Lambert introduced the item, advising that Mr Paku will speak to the Māori Committee recommendation on this matter and Mrs Leeanne Hooper will provide responses to any technical process questions.

Technical queries and discussions traversed:

- If the council passes a resolution to establish Māori constituencies the detail of constituency boundaries and names will be determined through the Representation Review
- A separate poll on Māori Constituencies is estimated to cost between \$215-230,000, while a poll conducted as part of the next local body elections would be less expensive as a proportion of the total election costs
- If HBRC establishes Māori constituencies, those representatives will be elected by the voters on the Māori electoral roll
- RPC Act prescribes membership as being equal representation, currently 9 tangata whenua and 9 elected representatives. If total number of elected representatives on HBRC became 11 then the 'equal representation' issue would be resolved through proper process, in agreement with the tangata whenua appointing bodies to the RPC.

Mike Paku, Deputy Chairman of the Māori Committee, advised Councillors that the feedback and results of discussions with the Māori Community were overwhelmingly in favour of Māori representation at this council decision-making table, also supported by the RPC, highlighting:

- Consider the value that Māori bring to this Council and this region, for example the Wastewater treatment plants in both Hastings and Napier, and the value that Maori bring to the environment
- Māori have an "umbilical" relationship to the environment
- Māori believe that they have the right to sit at the HBRC table to enhance the decision making capability of the Council
- It is not the view of all. Some feel that Māori should not participate at all, some that 2 Māori seats is not enough and that there should be a 50/50 partnership.

Questions, discussions and further comments covered:

- How does the broader public feel? Should Council consult with the wider community?
- HBRC consulted with Māori, as they are directly affected. The rest of the community has an opportunity if they want to demand a poll. No clue where the broader community stands.
- What value does Council place on Māori representation around this table? The general public has 9 seats. Māori would like to add Māori representation to that to ensure iwi have fair representation
- Discussions held at the 'formal' Hui A Iwi but also more widely at tangi and other social gatherings to seek the views of those unable to attend those scheduled events
- Applaud the council's Māori Committee and enthusiastic about the RPC and the high level of representation of advisory and decision making capacity on those committees
- Value Māori contributions and participation by Māori in NZ democracy, which is best in the world
- give a voice to those not represented by marae/hapu/iwi through representation for the broader Māori community is a compelling argument in favour
- Pros and cons with committees and elected representatives
- Only one Māori elected to general constituency in history of HBRC. Very hard for Māori to stand and win a general seat. Treaty of Waitangi about partnership and the voice of Māori has not been heard around this table except for once.
- Support for a poll at the next election so that the people of HB can decide
- Five councillors can make a decision to make a significant change to electoral process for HBRC, and the only way to overturn that is a poll which requires 7,000 people to sign a petition
- Disappointment from community re NCC decision not to have Maori wards
- Do not support representation based on race, religion or gender
- Issue incredibly important to people in the community
- Recent divisions in the region with RWSS and amalgamation
- Approach should be evolutionary not revolutionary
- HBRC expressly about the environment, rivers, streams, lakes, air, freshwater and coast and Māori have a view completely different from the pakeha view
- Time for HBRC to show leadership and establish Māori constituencies even though it may not be a popular decision in some quarters
- An issue that goes back to the foundation of this country - to give Māori a voice

General agreement was reached to seek further advice from the Māori Committee and RPC tangata whenua representatives about the option of Council further considering holding a poll on Māori constituencies at the next election in 2019.

RC71/17 **Resolutions**

That the Hawke's Bay Regional Council:

1. Receives and considers the "Māori Constituencies" staff report.

**Graham/Kirton
CARRIED**

2. Resolves in accordance with s.19Z of the Local Electoral Act 2001 to establish one or two Māori constituencies to allow for the election of two representatives for the Hawke's Bay Regional Council with effect from the 2019 triennial elections.
3. Resolves that, in accordance with s.19ZA of the Local Electoral Act 2001, a public notice be issued, of Council's decision and of the public's right to demand a poll on the matter of establishing Māori constituencies.

**Graham/Kirton
LOST 4/ 5**

**For: Graham, Bailey, Barker, Kirton
Against: Beaven, Belford, Dick, Hewitt, Wilson**

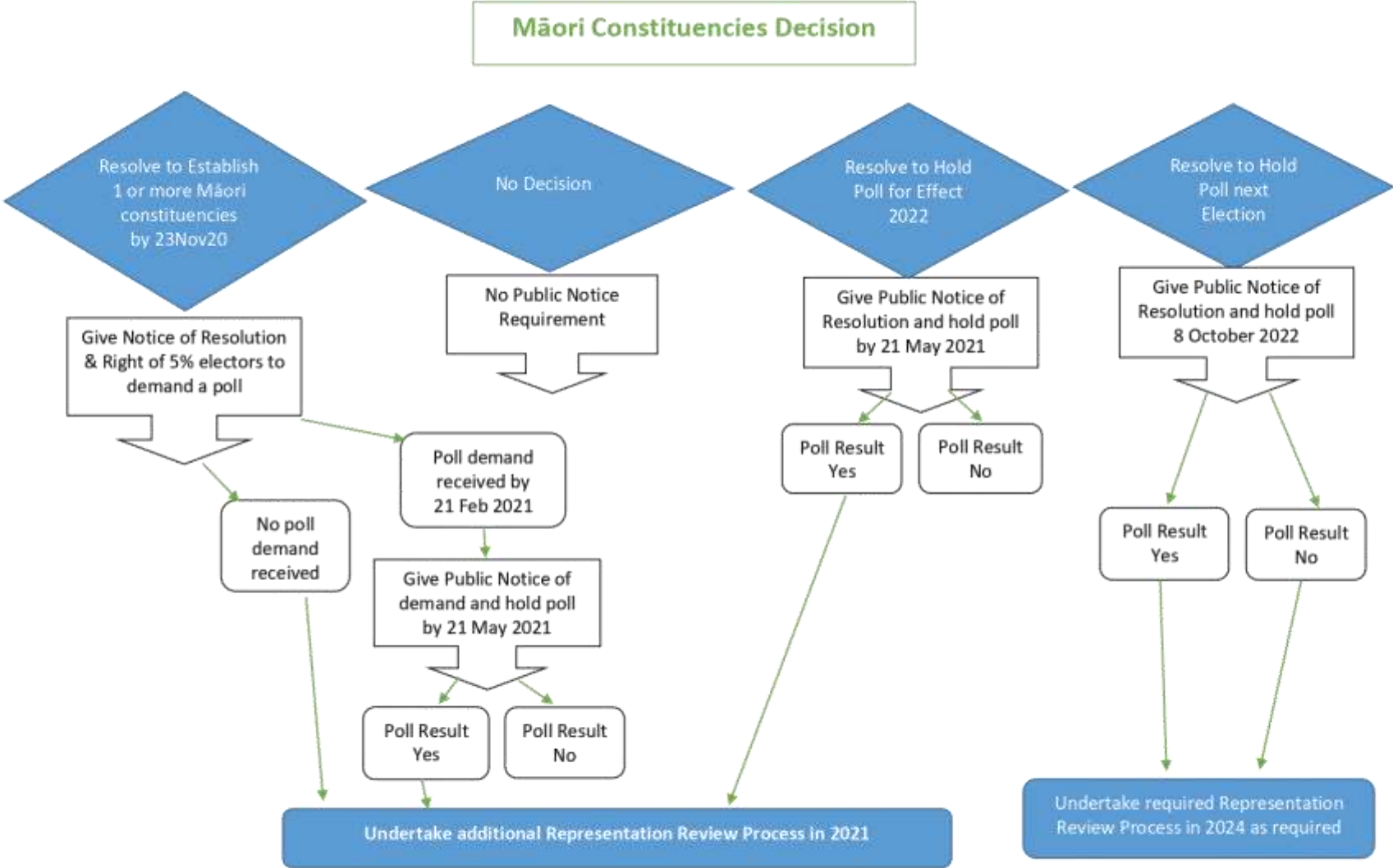
Resolutions

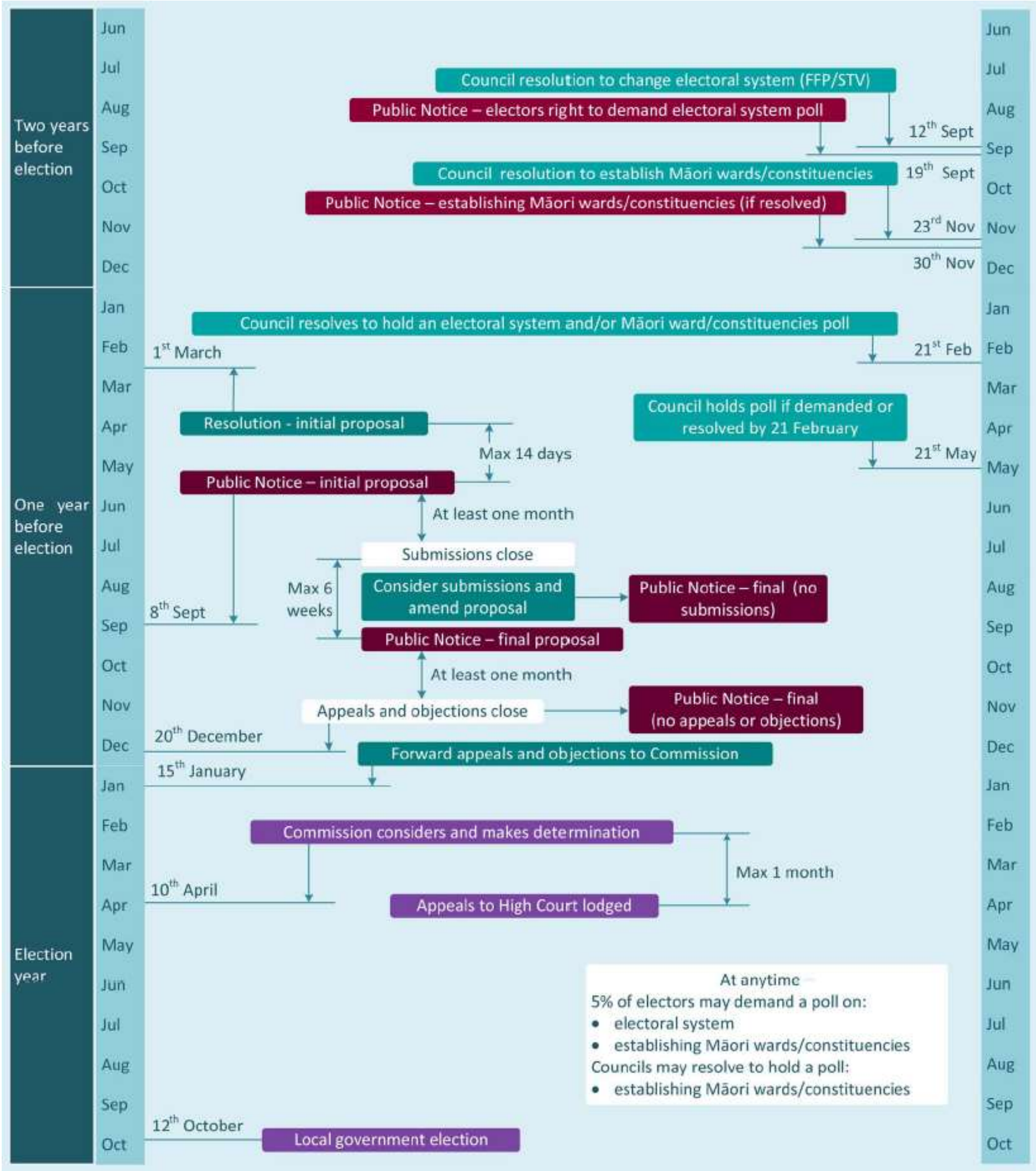
That the Hawke's Bay Regional Council:

2. Resolves, in accordance with s.19Z of the Local Electoral Act 2001, to not establish Māori constituencies for the Hawke's Bay Region for the 2019 local body elections.
3. Instructs the Chief Executive to give public notice of Council's decision in this regard.

**Barker/Bailey
CARRIED: 6/3**

**For: Bailey, Barker, Dick, Hewitt, Kirton, Wilson
Against: Graham, Beaven, Belford**





Māori Representation

Māori Constituencies

- The Hawke's Bay Regional Council has the option to establish one or more Māori constituencies for the election of 2 Māori representatives at the 2022 & 2025 local government elections
- The Māori Constituency elected reps (councillors) would be 'additional' to tangata whenua appointees to the existing Regional Planning Committee (RPC Act 2015) & currently, Māori Committee (established by HBRC 20+ years ago and reviewed after each election)

Effective Representation

The questions being asked of tangata whenua today are:

- *Do Māori feel fairly and effectively represented at the Regional Council table ?*
- *Is there a collective preference ?* Yes - establish, no - retain status quo, further engagement required ...

Why now?

- In time for the 2022 election Council must decide *before* 23 November & give public notice of that decision by 30 November 2020
 - A local authority resolution may be made at any time, however (the Act states) to apply for the next triennial election, it must be made within a particular timeframe
 - Council is holding an extraordinary meeting on 18 November to consider this specific decision/resolution

Council's Options

On 18 November, Council choices are:

- defer any decision to next representative review (2024)
- resolve 'yes, establish one or more Māori Constituencies' (for 2022 & 2025 elections) and publicly notify that decision including the option for 5% of Hawke's Bay electors to demand a poll if they disagree (*if 5%, poll to be held prior to 21 May 2021*)
- leading up to next 2022 Election, resolve to hold a poll at that Election to decide if Māori Constituencies are established

5

Processes

- If Council resolves to establish Māori constituencies on 18 November 2020:
 - 5% of electors in Hawke's Bay (approx. 8,318) can demand a Poll if they disagree with Council's decision
 - Any demand for a poll has to be received by HBRC by 21 February 2021, and if valid the poll must be held before 21 May 2021
 - Details of the number of constituencies, their names & boundaries, and the total number of elected members (councillors) – will be worked out through the HBRC Representation Review process (throughout 2021)

Candidates for Māori Constituency

- Candidates for Māori constituencies can be non-Māori and/or not on the Māori roll – (s25, LEA) “any person enrolled as a parliamentary elector may be a candidate for any election held under the LEA”
- Nominators must be on the Māori Roll in the Māori Constituency the candidate is standing for – same as the general law “a nominator must be an elector for the electoral area they are nominating someone for (s26, LEA)

7

Demand for a Poll

- 5% of electors in Hawke's Bay (8,318) can demand that a Poll is held on whether or not HBRC establishes Māori constituencies **at any time** ... the timing of a petition or demand determines when the result takes effect [*this clause is being considered for review by Govt*]
- In order for a poll to have effect for the 2022 election it would need to be demanded before 21 February 2021 and held by 21 May 2021