



Meeting of the Regional Planning Committee

Date: Wednesday 10 March 2021
Time: 1.30pm
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Agenda

ITEM	TITLE	PAGE
1.	Welcome/Notices/Apologies	
2.	Conflict of Interest Declarations	
3.	Confirmation of Minutes of the Regional Planning Committee meeting held on 14 October 2020	
4.	Tātau Tātau o Te Wairoa - Post Settlement Governance Entity Presentation	
5.	Follow-ups from Previous Regional Planning Committee Meetings	3
6.	Call for Minor Items Not on the Agenda	7
Decision Items		
7.	Regional Planning Committee Tangata Whenua Representation on Council's Committees	9
8.	Kotahi Project Principles	19
Information or Performance Monitoring		
9.	Resource Management Reform Announcements by Government	25
10.	Resource Management Policy Projects March 2021 Update	29
11.	March 2021 Statutory Advocacy Update	33
12.	Discussion of Minor Matters Not on the Agenda	41
Decision Items (Public Excluded)		
13.	Long Term Plan 2021- 31 Development Update	43

Parking

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

Regional Planning Committee Members

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

Total number of members = 18

Quorum and Voting Entitlements Under the Current Terms of Reference

Quorum (clause (i))

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

At the present time, the quorum is 14 members (physically present in the room).

Voting Entitlement (clause (j))

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

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

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 10 March 2021

Subject: FOLLOW-UPS FROM PREVIOUS REGIONAL PLANNING COMMITTEE MEETINGS

Item 5

Reason for Report

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

Decision Making Process

2. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

Recommendation

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

Authored by:

Leeanne Hooper
TEAM LEADER GOVERNANCE

Approved by:

James Palmer
CHIEF EXECUTIVE

Attachment/s

[!\[\]\(b64b40baaee5acddc1eab8538ba84754_img.jpg\) 1](#) Followups for March 2021 RPC meeting

Follow-ups from Previous Regional Planning Committee Meetings

Meeting on 14 October 2020

ref	Agenda Item	Action	Responsible	Status Comment
1	Kotahi	Write a letter to Central Government about the significant commitment of resources required to achieve Freshwater Plan notification for all HB catchments by 31 December 2024.	P Munro /C Edmonds	Verbal update to be provided at the meeting.

Prior to July 2020

ref	Agenda Item	Action	Responsible	Status Comment
2	RPC Terms of Reference	Seek agreement to amended ToR agreed by 25 September 2019 Regional Planning Committee and Regional Council resolutions.	P Munro	Verbal update to be provided at the meeting.
3	Relationship building hui		P Munro	Verbal update to be provided at the meeting.

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 10 March 2021

Subject: CALL FOR MINOR ITEMS NOT ON THE AGENDA

Item 6

Reason for Report

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

Recommendations

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

Topic	Raised by

Leeanne Hooper
GOVERNANCE LEAD

James Palmer
CHIEF EXECUTIVE

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 10 March 2021

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

Item 7

Reason for Report

1. This item provides the means for the Regional Planning Committee to appoint tangata whenua representatives to Council and its standing Committees.

Background

2. Traditionally, the Council has had tangata whenua representatives of the RPC on:
 - 2.1. the Environment and Integrated Catchments Committee (1)
 - 2.2. the Corporate and Strategic Committee (1)
 - 2.3. the Hearings Committee (2 x RMA Making Good Decisions accredited).
3. Statute does not allow for the provision of a voting appointment to the Council itself; however, a representative – usually the RPC Chairperson, with full speaking rights is also able to be appointed to attend Council meetings.
4. Tangata whenua representatives provide tangata whenua views and valuable input into the issues considered by Council and Council Committees, as well as providing feedback to the RPC on wider Council activities outside of the scope of the RPC RMA functions.

Regional Planning Committee appointments to Council Committees

5. The Tangata Whenua Hui on 17 March 2020 decided to nominate one member to represent the RPC across all of the Council Committees involved. This was seen as a consistent move to ensure a seamless reporting process for both tangata whenua and the Council. The appointment of Api Tapine was confirmed at a meeting between Rex Graham, James Palmer, the RPC Co-chair and Deputy Co-chair on 18 March 2020.
6. Api Tapine was confirmed as the appointed RPC tangata whenua representative by Council on 25 July 2021 along with the appointment of Tania Huata as the RPC's second representative on the Hearings Committee.
7. Subsequently, on 18 November 2020, Api Tapine resigned as the RPC representative on the Council and Council Committees, retaining his role as a member of the RPC only, resulting in the requirement for the RPC to now appoint a new representative or representatives in his place.
8. The Terms of Reference for the Council committees are attached to aid tangata whenua representatives in considering whether they wish to express interest in representing the Regional Planning Committee on a particular committee.

Financial and Resource Implications

9. The remuneration for tangata whenua representatives' attendance at meetings other than the Regional Planning Committee itself is currently \$452 per meeting, plus associated travel costs. This is paid upon submission of a travel claim form.
10. This is considered to be fair and reasonable and is the same remuneration paid to Māori Committee representatives performing the same roles. This per meeting remuneration is in addition to the remuneration paid for the role of tangata whenua Regional Planning Committee member, currently \$13,750 per annum.
11. This remuneration is within the budgets provided in the Māori Partnerships cost centre.

Decision Making Process

12. Council and its Committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
 - 12.1. The decision does not significantly alter the service provision or affect a strategic asset.
 - 12.2. The use of the special consultative procedure is not prescribed by legislation.
 - 12.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
 - 12.4. The decision is not inconsistent with an existing policy or plan, and is within Council's purview in accordance with:
 - 12.4.1. LGA s81(1) A local authority must (a) establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority, and (b) consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority.
 - 12.5. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

Recommendations

That the Regional Planning Committee:

1. considers the "Regional Planning Committee Tangata Whenua Representation on Council's Committees" staff report and nominates tangata whenua representatives to Council Committees as follows.
 - 1.1. _____ as a member of the Environment and Integrated Catchments Committee
 - 1.2. _____ as a member of the Corporate and Strategic Committee
 - 1.3. _____ as a member of the Hearings Committee in addition to Tania Huata as previously appointed
 - 1.4. _____ as a representative on the Hawke's Bay Regional Council, with speaking rights only.
2. Confirms that the remuneration to be paid for attendance at Regional Council and Committee meetings is \$452 per meeting plus associated travel cost reimbursement. This will be paid upon approval of an eligible travel claim form submitted by the tangata whenua representative.
3. Recommends that Hawke's Bay Regional Council:
 - 3.1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.
 - 3.2. formally confirms the appointments above.

Authored by:

Leeanne Hooper
TEAM LEADER GOVERNANCE

Approved by:

Pieri Munro
TE POU WHAKARAE

Attachment/s

- [!\[\]\(746d018fdf6ab02bf5fb7681133e8b29_img.jpg\) 1](#) Corporate and Strategic Committee Terms of Reference
- [!\[\]\(5daa6eee1904cb6b9d765700250de764_img.jpg\) 2](#) Environment and Integrated Catchments Committee
- [!\[\]\(d72e437c7cc5947bc0b147aba6602563_img.jpg\) 3](#) Hearings Committee Terms of Reference



Corporate and Strategic Committee Terms of Reference

(adopted by Hawke's Bay Regional Council resolution 27 November 2019)

1. The Corporate and Strategic Committee is responsible for recommending actions, responses and changes to Council for:
 - 1.1. Establishing strategic priorities for organisational direction and performance including development of Council's Strategic Plan
 - 1.2. Development of Council's Annual and Long Term plans
 - 1.3. External relationships including Council's strategic partnerships with the region's Territorial Local Authorities
 - 1.4. Consideration of resourcing implications of strategic initiatives and significant financial matters
 - 1.5. Corporate Services including information and communication technology, fleet and facilities, marketing and communications
 - 1.6. The effectiveness of Council's resource consent, compliance monitoring and enforcement activities
 - 1.7. People and Capability management and Health and Safety and Wellbeing
 - 1.8. The strategic direction of Council's investment portfolio and, where appropriate, the sale or acquisition of Council investments.
2. **Use of Delegated Powers for the Corporate and Strategic Committee** – this committee may, without confirmation by the local authority that made the delegations, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them, provided that the decision deserves urgency and the decision to make the resolution a decision of Council is carried unanimously.

Members:	All Councillors being: Rick Barker, Will Foley, Craig Foss, Rex Graham, Neil Kirton, Charles Lambert, Hinewai Ormsby, Jerf van Beek and Martin Williams One appointed member of the Māori Committee being Peter Eden One appointed Tangata Whenua member of the Regional Planning Committee to be confirmed
Chair:	A Councillor as elected by the Council, being Councillor Neil Kirton
Deputy Chair:	A Councillor as elected by the Council, being Councillor Craig Foss
Meeting Frequency:	Quarterly
Staff Executive:	Chief Executive Group Manager Strategic Planning Group Manager Corporate Services Group Manager Office of the CE & Chair

Item 7

Attachment 1



Environment and Integrated Catchments Committee

Terms of Reference

Confirmed by resolution of the Committee on 4 December 2019

Adopted by resolution of Hawke's Bay Regional Council 29 January 2020

The purpose of the Environment and Integrated Catchments Committee (EICC) is as follows.

1) Policy

To consider and recommend to Council:

- 1.1 carbon reduction and Climate Change adaptation and mitigation policies and strategies developed to guide the establishment of work plans
- 1.2 policies with regard to Council responsibilities and involvement in flood protection and drainage
- 1.3 policies with regard to Council's responsibilities for biosecurity, biodiversity and pest management
- 1.4 policies, strategies, and by-laws and compliance and enforcement programs relating to maritime and navigational safety under the Maritime Transport Act.

2) Environmental Monitoring and Research

- 2.1 To consider and recommend to Council environmental monitoring strategies and research and investigation programmes, including the State of the Environment Reports.
- 2.2 To consider technical reports on the findings of research and investigations into the impact of activities on the receiving environments and recommend to Council the development of new policy frameworks based around such information.

3) Policy/ Plan Implementation

- 3.1 To periodically review the effectiveness of Council's non-regulatory resource management operational work programmes within the ambit of the Committee and make recommendations to Council for any changes.
- 3.2 To recommend to Council management plans or any similar such documents for the effective implementation of environmental enhancement and improvement programmes of Council.
- 3.3 To assist staff, where appropriate, in identifying a preferred option and/or funding mechanism for Council consideration of biosecurity/ biodiversity initiatives, proposals for new or expansion of existing open spaces and regional parks, and infrastructure asset construction or improvement work; and in promoting the preferred option to the beneficiaries/ community.
- 3.4 To consider and recommend to Council all other policy implementation issues of Council.

4) Financial Authority

- 4.1 To recommend to Council, consideration of possible financial implications of specific initiatives.

5) Use of Delegated Powers for the Environment & Integrated Catchments Committee

This Committee may, without confirmation by the local authority that made the delegations, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them, provided that the decision deserves urgency and the decision to make the resolution a decision of Council is carried unanimously.

Attachment 2

- Members:**
- All Councillors being: Rick Barker, Will Foley, Craig Foss, Rex Graham, Neil Kirton, Charles Lambert, Hinewai Ormsby, Jerf van Beek and Martin Williams
 - One appointed member of the Māori Committee, being Dr Roger Maaka
 - One appointed member of the Regional Planning Committee, to be confirmed
- Chair:** A member of the Committee as elected by the Council being: Councillor Hinewai Ormsby
- Deputy Chair:** A member of the Committee as elected by the Council being: Councillor Rick Barker
- Meeting Frequency:** Two-monthly
- Staff Executive:** Group Manager Integrated Catchment Management
Group Manager Asset Management
Group Manager Policy and Regulation

Item 7

Hearings Committee Terms of Reference

(adopted by Hawke's Bay Regional Council resolution on 6 November 2019)

1. Pursuant to Section 34(1) of the Resource Management Act (RMA) the Hawke's Bay Regional Council delegates the following functions, powers and/or duties under the RMA¹ to the Hearings Committee.
 - 1.1. To hear and make decisions on applications arising out of the Council's regulatory responsibilities on:
 - 1.1.1. notified applications where submissions have been made and submitters wish to be heard;
 - 1.1.2. reviews of conditions (s.128) where consent holder and/or submitters wish to be heard;
 - 1.1.3. notified applications where submissions have been made and where the Committee considers it necessary to hold a hearing;
 - 1.1.4. objections to decisions made under delegated authority by staff, where they wish to be heard (s.357);
 - 1.1.5. where the staff recommendation is to decline any application for reasons other than inadequate information;
 - 1.2. To determine other related discretionary process matters that may be associated with a hearing such as waivers of time, as appropriate under the Resource Management Act 1991.
 - 1.3. To hear and make decisions on objections against costs under Section 36(6) of the Act and objections to the levying of Financial Contributions under Section 108 of the Act.
 - 1.4. To hear and make decisions on lapsing of consents under Section 125 of the Act where Council Policy directs, or staff elect not to make a decision under delegated authority, or where a decision of an officer acting under delegated authority is subject to an objection.
 - 1.5. The appointment of Hearings Committee members or independent commissioners to a Hearing Panel to undertake the functions set out above in 1.1 to 1.4 pursuant to s 34A RMA and the appointment of the Chairperson of the Hearing Panel.
2. Pursuant to section 82 of the Biosecurity Act (BA) the Hawke's Bay Regional Council delegates the following functions, powers and/or duties to the Hearings Committee, under the BA:
 - 2.1. To hear and make decisions on submissions received on any statutory documents prepared by Council which have been subject to a formal submission process under the Biosecurity Act.
 - 2.2. To authorise the resolution and settlement of appeals and references through formal hearings or mediation before the Environment Court or any other judicial body which relate to the preparation of any statutory documents prepared under the Biosecurity Act by the Council and to either generally or from time to time delegate to officers the authority to resolve and settle appeals and references through formal mediation.
3. Pursuant to section 83 and Schedule 7 (clause 32) of the Local Government Act 2002 the Hawkes Bay Regional Council may, on a case by case basis, delegate the following powers, duties and functions under the LGA to the Hearings Committee:
 - 3.1. to hear submissions and to decide or make recommendations to the Council on a proposal that is subject to a special consultative procedure.²

¹ NOTE: For the avoidance of doubt, the Hearings Committee is not delegated the functions, powers and duties to hear and make decisions on submissions made in relation to a proposed plan, policy statement, plan change or variation under the RMA. Such functions, powers and duties are delegated to a Panel of accredited RMA hearings commissioners appointed by the Council on an as needed basis, based on recommendations from the Regional Planning Committee.

² NOTE: For the avoidance of doubt, it is not intended that the Hearings Committee will be delegated to hear or make decisions on Long Term Plan, Annual Plan or Transport Plan submissions received.

- 3.2 to further delegate the functions under 3.1 to another subordinate decision making body, or to an officer of the Regional Council.
4. The Hawke's Bay Regional Council delegates to the Hearings Committee Chair and Council Chair, the ability to appoint Hearings Committee members or Independent Commissioners to a Hearing Panel to undertake the functions set out above in 1 and 2 above and the appointment of the Chairperson of the Hearing Panel.

Members:	<p>Up to five elected "RMA Making Good Decisions" accredited Members of Council; being:</p> <ul style="list-style-type: none"> – Councillors Martin Williams, Rick Barker, Craig Foss, and Hinewai Ormsby <p>And up to four "RMA Making Good Decisions" accredited members of the Māori and/or Regional Planning Committee as nominated by the Chair of those Committees; being:</p> <ul style="list-style-type: none"> – Dr Roger Maaka and Katarina Kawana representing the Māori Committee – _____ and _____ representing the Regional Planning Committee
Hearing Panel Composition:	<p>The Hearing Panel sitting to make decisions relating to 1. and 2. above shall comprise any combination of:</p> <ul style="list-style-type: none"> – The Chairperson sitting alone – Up to three members of the Hearings Committee – Up to five accredited Commissioners – If considered advisable in any particular case by the Chairman of the Hearings Committee, a member of the Council's Māori Committee. – Also, when appropriate, the Chair of the Standing Committee when hearings directly relate to policy originating from that Committee. <p>The Hearing Panel Chairperson has a Casting vote.</p>
Chair:	<p>An "RMA Making Good Decisions" Accredited member of the Committee as elected by the Council being:</p> <ul style="list-style-type: none"> – Councillor Martin Williams
Deputy Chair:	<p>A member of the Committee as elected by the Council being:</p> <ul style="list-style-type: none"> – Councillor Rick Barker
Meeting Frequency:	As required
Quorum:	The Chair of the Hearings Committee plus one other member of the Hearings Committee or the Chair of the Regional Council
Staff Executive:	<p>Group Manager Regulation</p> <p>Group Manager Asset Management</p>
Qualifications:	In accordance with s39B all persons appointed to a Hearing Panel shall be accredited, except that where there is a group, and over half of all the persons in the group are accredited and there are exceptional circumstances that do not provide the time or opportunity to ensure that all persons in the group are accredited.

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 10 March 2021

Item 8

Subject: KOTAHI PROJECT PRINCIPLES

Reason for Report

1. This item presents the proposed Project Principles that will govern how the Kotahi Plan will be progressed. These principles were discussed at a RPC workshop on 9 December 2020.
2. The purpose of developing the Project Principles is to ensure that a clear foundation is developed from the outset to guide both staff and decision makers in the Plan development. The principles will establish a common understanding to direct how we engage and make decisions. This will be agreed by the RPC.
3. The Project Principles are intended to endure for the lifetime of the project and will be a benchmark for those involved in the project to which they will be held to account.

Officers' Recommendation

4. Council officers recommend that the Regional Planning Committee (RPC) considers the options presented and agrees and adopts a set of Project Principles to ensure a common understanding, for both staff and decision makers, of how the Kotahi Plan will be progressed.

Executive Summary

5. Staff propose that the RPC adopts a set of principles for both the development and decision making required to support Kotahi (the Project). The Project Principles will focus on the process rather than trying to define the product or outcome.
6. Project Principles for Kotahi will provide a common understanding of how the Kotahi Plan will be progressed for both staff and decision makers. The principles will be the essential foundation or code of practice for Kotahi project staff and a benchmark to which those involved in the plan development and decision making can be held accountable.
7. An RPC workshop on 9 December 2020 determined the 10 principles following.
 - 7.1. Tangata whenua leads the process
 - 7.2. He waka hourua
 - 7.3. Realism
 - 7.4. Māori communications – communicating to the Māori community
 - 7.5. Following Treaty of Waitangi principles
 - 7.6. Timing and advance notice to the RPC about when decisions need to be made
 - 7.7. Resourcing
 - 7.8. No new Western science
 - 7.9. Focus on the destination
 - 7.10. Transformational.
8. Ngāti Pāhauwera shared a Behavioural Competencies model (a set of principles they have developed with other contributors) at a Mohaka hui attended by Ngati Hineuru, Ngati Tuwharetoa, Heretaunga Tamatea Settlement Trust, Councillor Graham, James Palmer and key staff (10 December 2020). Those in attendance considered there were

parallels with the draft principles explored by the RPC the previous day and saw that this could further strengthen the Project Principles.

9. Staff have considered each set of principles and see merit in both. As a result, staff are recommending a third option, Option C for RPC adoption. This option draws on the strengths of both models, weaving together the approaches to form a common set of Project Principles for Kotahi which is clear, concise and fit for purpose.

Background /Discussion

10. Kotahi is a single regional resource management plan which considers environmental issues and solutions in a more holistic way than standalone freshwater plans and reflects a ki uta ki tai approach for resource management in the Hawke's Bay region. A paper on Kotahi was discussed at the RPC on 14 October 2020.
11. Staff proposed that the RPC supports a set of principles for both the development and decision making required to support Kotahi (the Project). The Project Principles are intended to provide a common understanding of how the Kotahi Plan will be progressed for both staff and decision-makers.
12. At the workshop it was outlined that the project principles should focus on the process rather than trying to define the product or outcome. Many aspects of the "product" (a single resource management plan) have been determined by central government. For example, the Resource Management Act 1991, National Policy Statements, National Environmental Standards and National Planning Standards direct the Regional Council on what we must include and by when. The Project Principles will be the foundation of how we develop Kotahi and how we make decisions
13. In the context of the NPSFM 2020, Te Mana o te Wai encompasses six principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater, which inform the NPSFM 2020 and its implementation. Although Kotahi Project Principles may overlap with the intent of Te Mana o Te Wai, staff consider the project principles to be distinct and specific to the development of Kotahi, which has far greater scope than a freshwater plan focus.

Why do we need project principles?

14. The Kotahi Project will span multiple years, a local government election, potential staff turnover, and changes to central government direction and Resource Management reform. Project principles provide an opportunity to bring stability, consistency and enduring intention to the project, regardless of what changes occur throughout the duration of the project.
15. The principles will be the essential foundation or code of practice for Kotahi project staff and a benchmark to which those involved in the plan development and decision making can be held accountable.

RPC Workshop - 9 December 2020

16. A RPC workshop on 9 December 2020 determined the following Project Principles.
 - 16.1. Tangata whenua leads the process
 - 16.2. He waka hourua (translates as the double hulled canoe – intended to mean a partnership where two people/groups are working together towards the same common goal/objective, but also recognising that they are different and retaining their own sense of identity)
 - 16.3. Realism (definition - the attitude or practice of accepting a situation as it is and being prepared to deal with it accordingly)
 - 16.4. Māori communications – communicating to the Māori community

- 16.5. Following Treaty of Waitangi principles - partnership, active protection, participation¹
- 16.6. Timing and advance notice to the RPC about when decisions need to be made
- 16.7. Resourcing – appropriate to the task, both for the organisation and for tangata whenua
- 16.8. No new Western science
- 16.9. Focus on the destination
- 16.10. Transformational – this referred to the marked nature of change which is required for the Council to meet its statutory obligations, the way in which we are proposing to meet the required outcomes working in partnership with iwi, and the journey which we will traverse together.

Mohaka hui – 10 December 2020

- 17. The day after the Project Principles workshop, a Mohaka catchment focused hui was held. This was attended by Ngati Pāhauwera, Ngati Hineuru, Ngati Tuwharetoa, Heretaunga Tamatea Settlement Trust, Councillor Rex Graham, James Palmer and key HBRC staff. The Kotahi Project Principles were discussed during this hui and as a consequence Toro Waaka shared a copy of Behavioural Competencies which Ngati Pāhauwera have identified as a tool for measuring the value of key crown relationships. The competencies are:
 - 17.1. Communication – access to timely and consistent information, fit for purpose, tailored for the partnership
 - 17.2. Relationship Management – consistent with the values of partnership, active involvement, relationship led mana to mana
 - 17.3. Results orientation – empowering the achievement of mutual results, decision making over key matters, equitable citizen rights, place-based solutions
 - 17.4. Awareness of operational settings – way of working, progress focused – effective snapshots of interactions and work programme, priorities and focus, capability and capacity, resourcing
 - 17.5. Core competencies of Māori engagement – Partnership and Treaty knowledge, delegated authority, working understanding of status of Māori groups, interests and priorities, performance frameworks to ensure agents and results are working well.
- 18. Those present at the hui agreed that there were a number of similarities between the Kotahi Project Principles and the Behavioural Competencies. It was also agreed that the Ngati Pāhauwera Behavioural Competencies were not restricted to Ngati Pāhauwera/central government relationships and that they could equally be applied to any iwi/local government working relationship. The discussion at the Mohaka hui was positive and supported the direction and discussion held RPC workshop and the draft Principles which the RPC identified.

Options Assessment

- 19. Given that there is strength and merit in both the RPC and Ngati Pāhauwera principles staff are suggesting that a combination of the two would be a suitable fit for the project moving forward. Upon reflection 'transformational' is not considered to be a project principle but rather the recognition that there is much mahi ahead for all involved, and an appreciation that these are unprecedented times, calling for a change to the way in which we work. It is important to acknowledge this as without this knowledge it would be difficult to keep everyone focused, ensuring that both staff and decision makers are

¹ There is no final and complete list of treaty principles. In 1983 the Waitangi Tribunal said, 'The spirit of the Treaty transcends the sum total of its component written words and puts literal or narrow interpretations out of place.'¹

aware of the challenge ahead, requiring them to come together on this journey to achieve a common goal.

20. Table 1 below sets out three options. Option A provides the Behavioural Competencies (Ngāti Pāhauwera) alongside the draft RPC Principles (Option B). There has been an attempt to align these (across the rows) where there are obvious parallels, however noting that in the instance of the Treaty Principles this is represented in more than one place.
21. The column on the right hand side of the table Option C, looks to draw upon both models and suggests principles for adoption. It is the staff recommendation that these be adopted by the RPC as the Kotahi Project Principles.

Table 1. Project Principle Options

Option A (Ngāti Pāhauwera) Behavioural Competencies	Option B (RPC workshop) RPC draft Principles	Option C (staff recommend) Kotahi Project Principles
Communication – access to timely and consistent information, fit for purpose, tailored for the partnership	Māori communications – communicating to the Māori community Timing and advance notice to the RPC about when decisions need to be made	Communication <ul style="list-style-type: none"> • Timely • Consistent information • Fit for purpose • Tailored to the audience
Relationship Management – consistent with the values of partnership, active involvement, relationship led mana to mana	He waka hourua (translates as the double hulled canoe – intended to mean a partnership where two people/groups are working together towards the same common goal/objective, but also recognising that they are different and retaining their own sense of identity) Tangata whenua leads the process Following Treaty of Waitangi principles - partnership, active protection, participation	Relationship Management <ul style="list-style-type: none"> • Partnership • Active involvement • Respect of values • Recognition of differences and • Retention of identity • Tangata whenua led components
Results orientation – empowering the achievement of mutual results, decision making over key matters, equitable citizen rights, place based solutions	Realism (definition - the attitude or practice of accepting a situation as it is and being prepared to deal with it accordingly) Focus on the destination	Outcome/results focused <ul style="list-style-type: none"> • Decision making on key matters • Realism • Agile
Awareness of operational settings – way of working, progress focused – effective snapshots of interactions and work programme, priorities and focus, capability and capacity, resourcing	No new Western science Resourcing – appropriate to the task, both for the organisation and for tangata whenua	Operational Awareness <ul style="list-style-type: none"> • Priorities • Progress focused • Work programme • Resourcing • Mātauranga Māori • Policy direction & change • Limitations & constraints
Core competencies of Māori engagement – Partnership and Treaty knowledge, delegated authority, working understanding of status of Māori groups, interests and priorities, performance frameworks to ensure agents and results are working well	Following Treaty of Waitangi principles - partnership, active protection, participation	Core competencies of Māori engagement <ul style="list-style-type: none"> • Commitment to build capacity and capability • Understanding of values, interests and priorities • Knowledge of Treaty of Waitangi

Strategic Fit

22. The Policy and Planning work programme aligns closely with the Council's Strategic Plan. All four pillars of the Strategic Plan (Water, Land, Biodiversity, Infrastructure & Services) 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 already in place to deliver on strategic outcomes.
23. Kotahi must be aligned with the National Planning Standards and will provide objectives, policies and rules within a number of mandatory and optional chapters to manage natural resources for the region under the Resource Management Act 1991.

Climate Change Considerations

24. The Kotahi Plan will need to address climate change, including through the requirements set in the reforms to the Resource Management Act made in mid-2020 and the NPS-FM 2020.

Considerations of Tangata Whenua

25. The proposed Kotahi Project Principles are intended to support and provide a long enduring commitment to the way HBRC works with tāngata whenua. Tāngata whenua will be actively involved in the Kotahi Plan development and in the decision making.

Financial and Resource Implications

26. There are significant budgetary requirements for the development of the Kotahi Plan, these are provided for in the current Policy and Planning budget and additional resources are being sought in the forthcoming LTP to support this work programme.

Decision Making Process

27. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
 - 27.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
 - 27.2. The use of the special consultative procedure is not prescribed by legislation.
 - 27.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
 - 27.4. The persons affected by this decision are all persons with an interest in the Region's management of natural and physical resources under the RMA.

directly with the community or others having an interest in the decision.

Recommendations

That the Regional Planning Committee

1. Receives and considers the 'Kotahi Project Principles' staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Hawke's Bay Regional Council's adopted Significance and Engagement Policy, and that the Committee can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.
3. Adopts **Option C** as the Kotahi Project Principles to ensure a common understanding of how the Kotahi Plan will be progressed providing a foundation/code of practice for both staff and decision-makers.

Authored by:

**Ceri Edmonds
MANAGER POLICY AND PLANNING**

**Melanie Taiaroa
SENIOR ADVISOR MAORI
PARTNERSHIPS**

Approved by:

**Katrina Brunton
GROUP MANAGER POLICY &
REGULATION**

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 10 March 2021

Subject: RESOURCE MANAGEMENT REFORM ANNOUNCEMENTS BY GOVERNMENT

Item 9

Reason for Report

1. The Regional Planning Committee's Co-Chairs have asked staff to prepare and present an overview of the Government's proposals for resource management reform and repeal of the Resource Management Act (RMA). The Government made some announcements on 10 February 2021.
2. At this time, no submissions or feedback is invited as Parliamentary bills have yet to be released. This will happen later in 2021-22.
3. This report to the Regional Planning Committee is **for information purposes only**. No decision is required, nor sought. Much of the content of this report has been sourced from information on the Ministry for the Environment (MFE) website.

Executive Summary

4. Previous RPC activity on Government's Resource Management Reforms:
 - 4.1. Staff reports = NIL (other than earlier overviews of RM Review Panel's Reporting in July 2020)
 - 4.2. RPC decision-making resolutions = NIL
5. Key web links to additional materials and resources:
 - 5.1. [RMA to be repealed and replaced](#) – Media release from Environment Minister Hon David Parker
 - 5.2. [Reforming the Resource Management System](#) – Ministry for the Environment webpage
 - 5.3. [Resource Management System reform: Supporting information](#) – MFE webpage
 - 5.4. [Example of letter](#) (dated 10 Feb 2021) from Hon David Parker to iwi entities
 - 5.5. [Recommendations and report of the independent Resource Management Review Panel](#) (July 2020).
6. Key things to note about the Government's announcements:
 - 6.1. The Government plans to repeal the RMA and replace it with three new pieces of legislation. These are yet to be drafted and released.
 - 6.2. The three new Acts will be the:
 - 6.2.1. **Natural and Built Environments Act** (NBA) to provide for land use and environmental regulation (this would be the primary replacement for the RMA)
 - 6.2.2. **Strategic Planning Act** (SPA) to integrate with other legislation relevant to development, and require long-term regional spatial strategies
 - 6.2.3. **Climate Change Adaptation Act** (CAA) to address complex issues associated with managed retreat and funding and financing adaptation.
 - 6.3. The Government's intention is to complete this reform within the current term of government, i.e. by 2023.

- 6.4. The reform proposals are based on recommendations published in July 2020 from the Resource Management Review Panel led by former Appeal Court Judge Tony Randerson.
- 6.5. The Government is instigating a special process to progress the reforms at pace.
- 6.6. A special select committee inquiry will consider an exposure draft of the NBA Bill from mid-2021. This will include the most important elements of the legislation, including the replacement of Part 2 of the RMA.
- 6.7. The reforms would reduce the 100+ RMA council planning documents down to around 14. One covering the Hawke's Bay region.
- 6.8. Central government, councils and mana whenua would work together to prepare that single combined plan.
7. Publicly released Cabinet papers indicate that the Government will work with a collective² of pan Māori entities on key elements of the NBA including the strengthened recognition of tikanga Māori and Te Tiriti o Waitangi.
8. Ministers and Cabinet agree continued engagement with local government will also be crucial. A number of senior Regional Council staff will be involved in those discussions.

Further description of announced reforms

9. The three proposed new pieces of legislation to replace the RMA are as follows:

Natural and Built Environments Act (NBA)

10. This is the core piece of legislation to replace the RMA. The purpose of the NBA is to enhance the quality of the environment to support the wellbeing of present and future generations (although exact wording is still being drafted).
11. This would be achieved by:
 - 11.1. promoting positive outcomes for both the natural and built environments
 - 11.2. ensuring that use, development and protection of resources only occur within prescribed environmental limits
 - 11.3. ensuring adverse effects of activities on the environment are avoided, remedied or mitigated.
12. Under the NBA, central government's proposed new National Planning Framework³ will provide a set of mandatory national policies and standards on specified aspects of the new system. These will include environmental natural limits, outcomes and targets.
13. The NBA would significantly rationalise the number of regional and district plans from over 100 to around 14 – one for each region. This was a recommendation of the Randerson Report. These NBA plans are intended to shift the focus of decision-making away from resource consents. Some type of consenting regime would remain.

Strategic Planning Act (SPA)

14. The SPA provides a strategic and long-term approach to how we plan for using land and the coastal marine area.
15. Long-term spatial strategies in each region would apply a 30-year horizon and identify areas that:

² Cabinet papers identify the Environment Minister intends engaging with the newly formed Maori Collective. The Maori Collective is described in the Cabinet Paper as "comprising the National Iwi Chairs Forum (through its Freshwater Iwi Leaders Group), New Zealand Maori Council, Te Wai Maori Trust, and the Federation of Maori Authorities. The Collective has been formed to engage with the Crown on Maori rights and interests in freshwater and resource management reform.

³ A mandatory set of national policies and standards would support the establishment of the biophysical limits, outcomes and targets specified in the NBA. These are provisionally called the 'National Planning Framework.' It is likely to be based at least on existing national direction under the RMA, such as national policy statements, national environmental standards, national planning standards and regulations.

- 15.1. will be suitable for development
 - 15.2. need to be protected or improved
 - 15.3. will need new infrastructure and other social needs
 - 15.4. are vulnerable to climate change effects and natural hazards such as earthquakes.
16. The regional strategies would enable more efficient land and development markets to improve housing supply, affordability and choice, and climate change mitigation and adaptation. The strategies would promote joined-up strategic planning under other legislation such as Local Government Act, Land Transport Management Act and the Climate Change Response Act.

Climate Change Adaptation Act (CAA)

17. This Act would support New Zealand's response to the effects of climate change. It would address the complex legal and technical issues associated with managed retreat and funding and financing adaptation.

Objectives of resource management reform as agreed by Cabinet

18. Together this suite of legislation will:
- 18.1. protect and restore the environment and its capacity to provide for the wellbeing of present and future generations
 - 18.2. better enable development within natural environmental limits
 - 18.3. give proper recognition to the principles of Te Tiriti of Waitangi and provide greater recognition of te ao Māori including mātauranga Māori
 - 18.4. better prepare for adapting to climate change and risks from natural hazards, and better mitigate emissions contributing to climate change
 - 18.5. improve system efficiency and effectiveness, and reduce complexity while retaining appropriate local democratic input.

Basis for the reform

19. The reform is based on the findings of the comprehensive review of the resource management system which were released last year. The review was carried out by the independent [Resource Management Review Panel](#) led by Hon Tony Randerson, QC. It is the most significant, broad-ranging and inclusive review of the resource management system since the RMA was enacted. The Panel released its report and extensive recommendations in July 2020.

Reform process

20. May–Sept 2021: An exposure draft of the Natural and Built Environment Bill will be agreed by Cabinet and then referred to a special select committee inquiry. The exposure draft is an uncommon method, but is intended to 'test' key features of the Bill prior to further drafting.
- The Strategic Planning Bill and Climate Change Adaptation Bill will be developed in a parallel process with the latter managed out of the Minister for Climate Change office.
21. Dec 2021: The Natural and Built Environments Bill and the Strategic Planning Bill will be introduced to Parliament in late 2021. A standard select committee process will consider them. The Climate Change Adaptation Act will be developed in a similar timeframe.
22. 2022: Select committee processes on all three pieces of legislation. This will include the opportunity for public submissions.
23. Dec 2022: It is intended that all three pieces of legislation are passed by the end of 2022.

24. Interested parties are encouraged to participate in the upcoming Select Committee processes. The first one is expected to begin in the middle of this year with the exposure draft of the NBA considered by the special select committee inquiry.
25. Members of the Hawke's Bay Regional Council's Policy team are actively monitoring the Government's further developments of the reform process. Senior council staff are also actively engaged at various levels in shaping the Government's engagement with local government and the regional sector's interests in particular.

Implications for Hawke's Bay

26. There is no express intention that the resource management reform be associated with structural change of local government. MFE's website says this about the proposals and role of local government in future:

"Reform of local government was outside of the terms of reference of the resource management review and is not covered in the Panel's recommendations. There are no plans for institutional changes to local government in the reform of the resource management system."

27. Further, the same MFE webpage records that:

"To ensure [the reform both avoids unintended consequences for, and upholds the integrity of natural resource arrangements agreed by Māori and the Crown], the Crown will engage with affected Post-Settlement Governance Entities to discuss how their settlement arrangements will be carried over into a new system."

28. Nonetheless, rationalisation of regional and district planning documents under the RMA to just one⁴ for the Hawke's Bay region will certainly have implications for roles that the Regional Council and RPC currently have in overseeing preparation of RMA regional plans and the regional policy statement. A committee of some form would be responsible for preparation of that single combined plan and any subsequent changes to it. Details are not publicly available yet on the Government's thinking about how a joint committee of councils and tāngata whenua might work together to prepare a single plan for the region under the new NBA.
29. The reform's intent of these new outcome-focused combined single plans for each region is to lift the focus of decision-making up and away from resource consents. By this, there would be fewer consents needed overall and a clearer basis for deciding consents.
30. Until public release of the exposure draft and drafts bills, additional implications (both positive and negative) run the risk of speculation, and require various assumptions to be made. The devil in the detail of the reforms will become more apparent after mid-2021 when the bills are drafted.

Decision Making Process

making provisions do not apply.

Recommendation

That the Regional Planning Committee receives and notes the *"Resource Management Announcements by Government"* staff report.

Authored by:

Gavin Ide
PRINCIPAL ADVISOR STRATEGIC
PLANNING

Approved by:

Katrina Brunton
GROUP MANAGER POLICY &
REGULATION

⁴ HBRC currently has two key planning documents under the RMA (the Regional Resource Management Plan and the Regional Coastal Environment Plan); CHBDC, HDC, NCC and WDC each have district plans, plus there are parts of the Rangitikei and Taupō district plans applicable within the Hawke's Bay region.

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 10 March 2021

Subject: RESOURCE MANAGEMENT POLICY PROJECTS MARCH 2021 UPDATE

Item 10

Reason for Report

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

Resource management policy project update

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

Decision Making Process

5. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

Recommendation

That the Regional Planning Committee receives and notes the "*Resource Management Policy Projects March 2021 Update*" staff report.

Authored by:

Dale Meredith
SENIOR POLICY PLANNER

Ellen Robotham
POLICY PLANNER

Approved by:

Ceri Edmonds
MANAGER POLICY AND PLANNING

Attachment/s

[!\[\]\(179f167ede0522ebb4ea025b3ad78ca7_img.jpg\) 1](#) February 2021 RMA projects Update

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

Project	Narrative update	Next intended reporting to RPC
'PC7' Outstanding waterbodies plan change	<ol style="list-style-type: none"> Publicly notified on 31 August 2019. 41 submissions were received, 19 further submissions. The OWB Hearing was held from 30th November to 4th December 2020. Hearing Commissioners are Dr Brent Cowie (Chair), Dr Roger Maaka and Christine Scott. 24 submitters attended the hearing. The Hearings Panel are in the process of writing the decisions. HBRC staff will provide an update when the Hearing Panel's decision on PC7 has been released. The PC7 decision must be issued before 31 August 2021 (i.e. two years after public notification date). 	April 2021
Mohaka Catchment Policy Development for Kotahi	<ol style="list-style-type: none"> Under preparation. Not yet notified. Staff are currently redesigning the project brief and programme of work with tāngata whenua and their project team. Critical tāngata whenua-led workstreams are being supported and resourced by HBRC. These workstreams are fundamental to the success of the plan by enabling tāngata whenua to be actively involved in the plan development process. Website updated with information gathered during initial community engagement pre-Christmas on catchment values and issues. 	April 2021
'PC9' Greater Heretaunga/ Ahuriri catchment area plan change (a.k.a. TANK project)	<ol style="list-style-type: none"> The TANK Plan Change was notified on 2 May 2020 and the submissions period closed on 14 August 2020. 240 submissions were received from a wide range of perspectives. Key themes relate to Te Mana o Te Wai and allocation of water. At RPC meeting on 19 August, RPC made recommendations to Council for Hearing Panel Membership. Council confirmed the RPC's recommendations at meeting on 26 August. The hearings panel consists of Antoine Coffin (Chair), Brent Cowie, Greg Ryder, Dr Roger Maaka, and Rauru Kirikiri. The summary of submissions was notified on 11 November 2020 and closed on 9 December 2020. 24 further submissions were received. Original submissions and further submissions are available for viewing on the Council's website: https://www.hbrc.govt.nz/hawkes-bay/projects/the-tank-plan/tank-submissions-and-hearings/ <p><u>Next steps</u></p> <ol style="list-style-type: none"> Staff are analysing all submissions received and preparing a report under Section 42 of the RMA. The report will provide recommendations to the hearings panel on whether to accept, accept in part, or reject submissions on the plan change. Staff are liaising with the Chair of the hearings on suitable hearings dates, aiming for May – June 2021. Decisions on submissions must be issued before 2 May 2022 (i.e. two years after public notification date). 	April 2021
Ngaruroro and Clive Rivers Water Conservation Order	<ol style="list-style-type: none"> The Environment Court hearing on the Water Conservation Order began on 9 February 2021. Court proceedings were scheduled to adjourn on 19 February 2021. However, due to COVID Level 3 restrictions in Auckland the second week of the Environment Court hearing did not proceed. No date for rescheduling the hearing has been provided at the time of writing this update. HBRC staff will provide an update when the Court's decisions on the WCO are made available. For more information, see: https://www.epa.govt.nz/public-consultations/decided/water-conservation-order-ngaruroro-and-clive-rivers/ 	Updates from staff as and when new information becomes available.

Attachment 1

Item 10

Project	Narrative update	Next intended reporting to RPC
Statutory Acknowledgements of Treaty settlements	<p>20. No further Treaty settlement legislation relating to parts of the Hawke's Bay region has been passed into law since the previous update.</p> <p><i>Refer to Pātaka online mapping tool for further information [website link] about current Statutory Acknowledgements in Hawke's Bay region that have been passed in various Treaty settlement statutes.</i></p>	Updates from staff as and when new information becomes available.

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 10 March 2021

SUBJECT: MARCH 2021 STATUTORY ADVOCACY UPDATE

Item 11

Reason for Report

1. This item reports on proposals forwarded to the Regional Council and assessed by staff acting under delegated authority as part of the Council's Statutory Advocacy project.
2. The Statutory Advocacy project (Project 196) centres on local resource management-related proposals upon which the Regional Council has an opportunity to make comments or to lodge a submission. These include, but are not limited to:
 - 2.1. resource consent applications publicly notified by a territorial authority
 - 2.2. district plan reviews or district plan changes released by a territorial authority
 - 2.3. private plan change requests publicly notified by a territorial authority
 - 2.4. notices of requirements for designations in district plans
 - 2.5. non-statutory strategies, structure plans, registrations, etc prepared by territorial authorities, government ministries or other agencies involved in resource management.
3. In all cases, the Regional Council is **not** the decision-maker, applicant nor proponent. In the Statutory Advocacy project, the Regional Council is purely an agency with an opportunity to make comments or lodge submissions on others' proposals. The Council's position in relation to such proposals is informed by the Council's own Plans, Policies and Strategies, plus its land ownership or asset management interests.
4. The summary outlines those proposals that the Council's Statutory Advocacy project is currently actively engaged in.

Decision Making Process

5. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

Recommendation

That the Regional Planning Committee receives and notes the "*March 2021 Statutory Advocacy Update*" staff report.

Authored by:

Dale Meredith
SENIOR POLICY PLANNER

Nichola Nicholson
POLICY PLANNER

Approved by:

Ceri Edmonds
MANAGER POLICY AND PLANNING

Attachment/s

[!\[\]\(56549452e01ca28bdf2500ced9653143_img.jpg\) 1](#) February 2021 Statutory Advocacy Update

Statutory Advocacy Update (as at 19 February 2021)

Note updates since last RPC meeting (14 October 2020) are provided in red text

TABLE 1: NATIONAL PROPOSALS

Received	Proposal	Agency	Status	Current Situation
1 Feb 2021	NZ Climate Change Commission's 2021 DRAFT Advice for Consultation A draft package of advice to the Government setting out the immediate and decisive action Aotearoa New Zealand must take to drastically reduce greenhouse gas emissions in order to meet its responsibilities under the Paris Agreement and achieve 2050 targets.	He Pou a Rangi Climate Change Commission	Public feedback closes 14 March 2021	<p>The Commission was established by the Climate Change Response (Zero Carbon) Amendment Act 2019, the piece of legislation that set NZ's domestic greenhouse gas emissions reduction target for 2050. The Commission's purpose is to provide expert advice to the Government on reducing emissions, adapting to the impacts of climate change, and monitoring and reviewing the Government's progress towards its emissions reductions and adaptation goals. The Commission is not setting new emissions targets, rather it is proposing carbon emissions budgets to enable NZ to meet its 2050 targets (i.e. net zero emissions of long-lived gases and reducing biogenic methane emissions by between 24–47%).</p> <p>The Commission's work shows that meeting these targets is possible – yet transformational and lasting change across society and the economy will be needed. The Commission's draft advice is that Aotearoa must focus on decarbonising and reducing emissions at the source, saying that as a country we can no longer rely on forests to meet our climate change targets. Current government policies do not put Aotearoa on track to meet our recommended emissions budgets and the 2050 targets.</p> <p>The Commission's draft package of advice includes recommendations on the level of the first three emissions budgets, plus also advice on strategic policy direction for meeting the emissions budgets. Seventeen critical actions are recommended by the Commission that the Government must take to reach its climate goals.</p> <p>The Commission's recommendations are advisory only. The Commission's final advice to the Government is due by 31 May 2021. After that, the Government will release an Emissions Reduction Plan by the end of 2021.</p> <p>No submission is being prepared by HBRC staff on the Commission's draft advice due to other workstream priorities. Some input has been provided to regional sector interest groups and LGNZ for consideration as they draft their respective feedback.</p>

Received	Proposal	Agency	Status	Current Situation
26 Nov 2019	Draft National Policy Statement for Indigenous Biodiversity (NPS-IB) The proposed NPS-IB sets out the objectives and policies to identify, protect, manage and restore indigenous biodiversity under the Resource Management Act 1991. https://www.mfe.govt.nz/publications/biodiversity/draft-national-policy-statement-indigenous-biodiversity	Ministry for the Environment	Public feedback closed 14 March 2020.	HBRC, NCC, HDC and CHBDC lodged a joint submission. The cover letter and a copy of the full submission can be found at HBRC Submissions . Associate Minister for Environment Nanaia Mahuta agreed to extend the timeframe of the delivery of the proposed NPS-IB to April 2021 (delayed due to COVID-19). The longer timeframe means the joint project team (Ministry for the Environment and the Department of Conservation) can now work on an implementation plan to support the roll-out of the policy statement once it is finalised, while working to address feedback from consultation. HBRC staff anticipate Ministers will make further announcements about finalising of the NPS-IB in mid 2021.
14 Aug 2019	National Policy Statement – Highly Productive Land (NPS-HPL) MPI and MFE have prepared a draft NPS to improve the way highly productive land is managed under the RMA. https://www.mpi.govt.nz/news-and-resources/consultations/proposed-national-policy-statement-for-highly-productive-land/	Ministry for Primary Industries	Public feedback closed 10 October 2019	HBRC, NCC, HDC and CHBDC made a joint submission which can be found at HBRC Submissions . The National Policy Statement on Highly Productive Land has been delayed until the middle of 2021 because of the need for MFE officials to focus on the COVID-19 response. HBRC staff anticipate Ministers will make further announcements about finalising of the NPS-HPL by mid 2021.
10 February 2021	Reforming the Resource Management System The Government plans to repeal the Resource Management Act 1991 (RMA) and replace it with three new pieces of legislation. The reform is based on the findings of the comprehensive review of the resource management system which were released last year (see to earlier proposal below). https://www.mfe.govt.nz/rma/resource-management-system-reform	Ministry for the Environment (lead) in association with various other Ministries	Information only (for now)	[Refer separate item on Regional Planning Committee's agenda for 10 March 2021 meeting]. The three new Acts will be the: <ul style="list-style-type: none"> • Natural and Built Environments Act (NBA) to provide for land use and environmental regulation (this would be the primary replacement for the RMA) • Strategic Planning Act (SPA) to integrate with other legislation relevant to development, and require long-term regional spatial strategies • Climate Change Adaptation Act (CAA) to address complex issues associated with managed retreat and funding and financing adaptation. It is intended that all three pieces of legislation are passed by the end of 2022. Communications from MFE are saying "Interested parties are encouraged to participate in the select committee processes. The first one is expected to begin in the middle of this year with the exposure draft of the Natural and Built Environments Act considered by the special select committee inquiry. More information will be provided closer to the time." At this time, there is no formal submission process or public feedback opportunity currently open.

Received	Proposal	Agency	Status	Current Situation
24 July 2019	Comprehensive Review of the Resource Management System https://www.mfe.govt.nz/rmreview	Ministry for the Environment	Information only	<p>Previously...</p> <p>Staff are maintaining a watch on developments.</p> <p>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. Review Panel's Recommendations and Report Summary online here:</p> <p>https://www.mfe.govt.nz/publications/rma/new-directions-resource-management-new-zealand-report-of-resource-management-review</p> <p>The new incoming Government (post-Oct 2020 election) will consider next steps about how to progress the Panel's report and recommendations.</p>

In addition to the above, various proposals listed below are also being progressed by the Government following closing of public feedback phases. HBRC's submissions on those proposals can be viewed online at HBRC Submissions.

- Proposed amendments to the National Environmental Standard for Air Quality (feedback closed on 31 July 2020)
- Proposed National Environmental Standard for the outdoor storage of tyres (feedback closed on 25 March 2020)
- Improvements to DOC's whitebait management (feedback closed 16 March 2020)
- Review of the Burial and Cremation Act 1964 plus related legislation (feedback closed 31 July 2020)

TABLE 2: TERRITORIAL LOCAL AUTHORITY PROPOSALS

Received	TLA	Proposal	Applicant/ Agency	Status	Current Situation
Aug 2020	NCC	Resource Consent Application Consent is sought to develop 162 dwellings and a staged subdivision as a gated community at 16 and 38 Willowbank Avenue, Te Awa.	Applicant Durham Property Investments Limited Agent Development Nous Limited	Notified Hearing not required	<ul style="list-style-type: none"> HBRC 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 held a meeting to discuss options to alleviate HBRC's concerns. Conditions have been agreed and included within the recommended conditions suite to the decision maker.
July 2020	NCC	Application to Ministry of Transport Pipeline Protection Zone under the Submarines Cables and Pipeline Protection Act 1996 Application made to seek protection for submarine pipes in the coastal marine area.	Napier City Council, Hastings District Council, Pan Pac Forest Products Ltd	Application made June 2020 – public feedback closed July 2020	<p>Previously... Feedback submitted. A copy of HBRC's submission can be found at HBRC Submissions.</p> <p>No update from NCC at time of writing relating to applications status</p>
March 2020	NCC	Napier City Council District Plan Review – Discussion Documents NCC released and sought public feedback on discussion documents relating to the following topics: 'Ecosystems 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.	<p>Previously... Napier City Council have publicly launched a review of their district plan. There will be further opportunities during NCC's District Plan Review process for HBRC to provide feedback and influence content.</p> <p>Submissions lodged separately on Ecosystems and Indigenous Biodiversity, and Greenfield Growth in the Hills. Copies can be found at HBRC Submissions.</p>
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	Consent order issued	<p>Previously... HBRC lodged a submission on the Plan Change, a copy can be found at HBRC Submissions. HDC issued its decisions on 30 April 2020. Three parties lodged appeals. HBRC joined those appeals as an interested party.</p> <ul style="list-style-type: none"> The appeal matters were settled outside of a hearing. The Court issued a consent order on 2 December 2020.

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 .
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 Umumanio 2 Block on Kopuawhara Road, Mahia.	Applicant R & L Thompson Agent Insight Gisborne Ltd	Limited Notified WDC hearing pending	Previously... <ul style="list-style-type: none"> HBRC has opposed the application based on concerns relating to the loss and degradation of soil (erosion) and water quality. A copy of the submission can be found at HBRC Submissions. HBRC staff and applicants have held discussions about potential alternative clearance proposals.
8 Nov 2013	HDC	Proposed Hastings District Plan Review of the Hastings District Plan in its entirety. Includes the harmonisation of district wide provisions between the Napier District Plan with the Hastings District Plan where relevant.	Hastings District Council	Notified HDC decisions issued, subject to appeals	Previously... <ul style="list-style-type: none"> Over 40 separate appeals were lodged against HDC's decisions by other groups and individuals. HBRC joined as a section 274 interested party to proceedings on eleven (11) of those appeals. All but one of those appeals has been resolved. That last one will be awaiting the appellant to prepare a draft 'structure plan' for their development area in Havelock North. HDC issued its decisions on 12 September 2015. Council staff reviewed the decisions and were satisfied that HBRC's submission has been appropriately reflected so did not need to lodge an appeal itself.

TABLE 3: OTHER PROPOSALS

Received	Proposal	Agency	Status	Current Situation
9 Dec 2017	HB Fish and Game Council's Draft Sports Fish and Game Management Plan A draft management plan under the Conservation Act to eventually replace the current 2005 Sports Fish and Game Management Plan for the HBFG region.	HB Fish and Game Council	Notified, Submissions closed. Hearing pending	Previously... Submission lodged. A copy of HBRC's submission can be found at HBRC Submissions .
24 July 2017	Application for Water Conservation Order (WCO) Application for a WCO for the Ngaruroro River & Clive River	Applicants NZ Fish & Game Council, HB Fish & Game Council; Whitewater NZ; Jet Boating NZ; Operation Patiki Ngāti Hori ki Kohupatiki Marae; Royal Forest & Bird Protection Society	Special Tribunal Recommendation Report Released. Environment Court Inquiry in progress	<ul style="list-style-type: none"> The Environment Court hearing began on 9 February 2021. Court proceedings were scheduled to adjourn on 19 February 2021. However, due to COVID Level 3 restrictions in Auckland the second week of the Environment Court hearing did not proceed. No date for rescheduling the hearing has been provided at the time of writing this update. HBRC staff will provide an update when the Court's decisions on the WCO are made available. <p>For more information, see: https://www.epa.govt.nz/public-consultations/decided/water-conservation-order-ngaruroro-and-clive-rivers/</p>
	Marine and Coastal Area (Takutai Moana) Act 2011	Applicants Ngāti Pāhauwera Development Trust, Maungaharuru Tangitū Trust, Ngai Tāhū O Mohaka Waikare, Ngati Parau Hapu (Waiohiki Marae Board of Trustees)	Applications currently being heard by High Court in Napier	<ul style="list-style-type: none"> The High Court hearing began on the 9th of February At the time of writing the hearing is two weeks into a proposed seven-week hearing. HBRC staff will provide an update when the Court's decisions are made available.

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 10 March 2021

Subject: DISCUSSION OF MINOR MATTERS NOT ON THE AGENDA

Item 12

Reason for Report

1. This document has been prepared to assist committee members note the Minor Items to be discussed as determined earlier in Agenda Item 6.

Item	Topic	Raised by
1.		
2.		
3.		

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 10 March 2021

Subject: LONG TERM PLAN 2021- 31 DEVELOPMENT UPDATE

That Hawke's Bay Regional Council excludes the public from this section of the meeting, being Agenda Item 13 Long Term Plan 2021- 31 Development Update with the general subject of the item to be considered while the public is excluded; the reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution being:

GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED

Long Term Plan 2021- 31
Development Update

REASON FOR PASSING THIS RESOLUTION

s7(2)(i) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to enable the local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION

The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

Authored & Approved by:

Desiree Cull
STRATEGY AND GOVERNANCE MANAGER