



Meeting of the Regional Planning Committee

Date: Wednesday 20 October 2021

Time: 11.00am

Venue: Virtually via Zoom

Agenda

Item	Title	Page
1.	Welcome/Karakia/Notices/Apologies	
2.	Conflict of Interest Declarations	
3.	Confirmation of Minutes of the Regional Planning Committee held on 1 September 2021	
4.	Follow-ups from Previous Regional Planning Committee Meetings	3
5.	Call for Minor Items Not on the Agenda	7
6.	Regional Planning Committee Tangata Whenua Co-Chair	
Information or Performance Monitoring		
7.	Regional Planning Committee work programme for Kotahi	9
8.	October 2021 Policy Projects Update	17
9.	October 2021 Statutory Advocacy Update	23
10.	Verbal Update on Central Government Programme of Reforms	
11.	Discussion of Minor Matters Not on the Agenda	29

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
Allana Hiha	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
Jacqueline Taylor	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 or on Zoom).

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

Subject: FOLLOW-UPS FROM PREVIOUS REGIONAL PLANNING COMMITTEE MEETINGS

Reason for Report

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

Decision Making Process

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

Recommendation

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

Authored by:

Leeanne Hooper
TEAM LEADER GOVERNANCE

Approved by:

James Palmer
CHIEF EXECUTIVE

Attachment/s

- 1 [↓](#) Follow-ups for October Regional Planning Committee Meeting

Follow-ups from Previous Regional Planning Committee Meetings

Meeting on 1 September 2021

ref	Agenda Item	Action	Responsible	Status Comment
1	Proposed Plan Change 7: Outstanding Water Bodies - Overview and resolution of Appeals	Ensure RPC's current adopted Terms of Reference are on Stellar Library and RPC webpage.	Governance	Terms of Reference agreed by RPC and Council as an appointer in October 2019 have yet to be agreed by PSGEs and so the previous version (adopted February 2014) remains "current and in effect". That version has been uploaded to Stellar.
2	Verbal update on Central Government Freshwater and RMA Reform; NES & NPS Implementation & Future of Local Government	Committee members and PSGEs to be provided with a summary document outlining discussions about a Hawke's Bay 'pilot region' proposal.	P Munro/ J Palmer	Summary of discussions to be distributed via email on 8 October 2021.
3	Verbal update on Central Government Freshwater and RMA Reform; NES & NPS Implementation & Future of Local Government	Initiate discussions with PSGEs around the Hawke's Bay pilot project.	Cr R Barker/ J Palmer / P Munro	Under way.

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

Wednesday 20 October 2021

Item 5

Subject: CALL FOR MINOR ITEMS NOT ON THE AGENDA

Reason for Report

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

Recommendations

That the Regional Planning Committee accepts the following "Minor Items Not on the Agenda" for discussion as Item 11:

Topic	Raised by

Leeanne Hooper
GOVERNANCE TEAM LEADER

James Palmer
CHIEF EXECUTIVE

HAWKE'S BAY REGIONAL COUNCIL
REGIONAL PLANNING COMMITTEE

Wednesday 20 October 2021

Item 7

**Subject: REGIONAL PLANNING COMMITTEE WORK PROGRAMME FOR
KOTAHI**

Reason for Report

1. This report informs the Regional Planning Committee (RPC) on our work programme for Kotahi.
2. The report outlines what key decisions need to be made by the committee and the timing of these decisions.
3. The report discusses the workshops that will be held over the next few years before Kotahi is notified.

Executive Summary

4. This report provides further detail of the Policy Planning team's work programme and the key decisions the Regional Planning Committee will have to make to ensure the timeframes for Kotahi are met. It also discusses the workshops that will be held to support the preparation of Kotahi.
5. Officers are planning to notify Kotahi in August 2024. Prior to notification tāngata whenua will be actively involved and communities engaged to determine the values for the takiwā. The plan will then be written and reviewed before public consultation on a draft Kotahi in November 2023. Kotahi will then be reviewed before notification in August 2024.
6. There are five key decisions RPC needs to make to ensure Kotahi is notified in time. These decisions are around Visions, Values and Freshwater Management Units; options for strategic policy direction; approval for public consultation; Panel notification as part of the hearing process; and notification of Kotahi.
7. There are approximately 20 workshops between now and when we notify Kotahi. These workshops will discuss structure of the regional plan and topics to ensure the RPC has enough information to make decisions on Kotahi.
8. Officers will add a standard item to the RPC to show the workshops that have been held, the decisions that have been made, future workshops and future decisions that need to be made.

Background

9. In October 2020 the RPC received a paper that introduced Kotahi, our single resource management plan. Kotahi will encompass the Regional Policy Statement, the Regional Resource Management Plan and Regional Coastal Environment Plan and it will include catchment based freshwater planning to ensure HBRC complies with the National Policy Statement for Freshwater Management 2020 (NPSFM). The paper from the RPC meeting in October 2020 outlined that there will be workshops to step through the freshwater reform and other natural direction to help support the RPC in their decision making for Kotahi and provide greater clarity and understanding of the work programme.
10. In March 2021, the RPC adopted Kotahi Project Principles that govern how the Kotahi Plan will be progressed. Some of the principles are outcome focused, including one principle about decision making on key matters. Some of the principals focus on the operational awareness including one principle about work programming. This paper helps to support these Kotahi Project Principles.

Discussion

Timeline

11. This report provides an update on the work programme. During the next 3-6 months the Planning Policy team will be finalising project plans (this will be a guide for staff for each of the workstreams supporting Kotahi), as well as researching and gathering information to provide a foundation for the plan development. Dependant on COVID Alert Levels staff will also be commencing work with tāngata whenua on the values during this period. Consultation will happen for communities after work has started with tāngata whenua late this year or early next year and then the Policy Team will start drafting the plan. As in Mohaka it is likely that in other takiwā there will be Māori-led workstreams developed simultaneously. The plan will be reviewed before public consultation on the draft plan which will happen in November 2023. The plan will be reviewed again before it is notified in August 2024.
12. There are external influences which have the potential to impact on this timeline. For instance, there is further policy information to come from central government with regards to Highly Productive Soils and Indigenous Biodiversity. There are other factors including central government elections and local government elections. These influences may mean the timeline needs to be amended, however, Kotahi has to be notified before 31 December 2024 to comply with the RMA.
13. As noted in previous papers to the RPC any divergence or delay from the work programme will have consequences in terms of the delivery of the plan within the proposed timeframe.
14. The timeline can be seen in Attachment 1 which also shows the decisions RPC needs to make to ensure Kotahi is notified in time and some of the workshops that will be held between now and when Kotahi is notified. Decisions and workshops are discussed below.

Decisions

15. There are five key decisions that need to be made by the RPC during the next few years to ensure the Kotahi project gets delivered. The intended format is to hold workshops the month before decisions need to be made to ensure the RPC has enough information to make a decision. These decisions can be seen on the timeline in Attachment 1.
16. The first decision is to determine Values, Visions and Outcomes for the takiwā. This decision will also include Freshwater Management Units. The second decision we will be seeking from the RPC are our options for strategic direction. The Planning Policy team will be bringing options to the RPC as part of our section 32 analysis, and we will be asking RPC to decide on these. Information on a S32 Analysis can be found in a memo to RPC from the meeting in October 2018: http://hawkesbay.infocouncil.biz/Open/2018/10/RPC_31102018_AGN_AT.PDF (Item 7, Attachment 4). These options will help us determine the direction of the Regional Policy Statement and the plan and will provide direction for officers when they are starting to look at their topics in more detail.
17. The third decision is to approve the pre-notification, draft Kotahi plan for public consultation. We are aiming to consult more widely with the public in November 2023. This will be an important step in the process as it will enable tangata whenua and the community to see the whole plan in its draft format and comment on the plan.
18. The fourth decision is for the RPC is about the Hearing Process. RPC will decide appointments of commissioners on the Panel that will either be through the Freshwater Planning Process¹, or through the Schedule 1 process. The Freshwater Planning Process is a new planning process that regional councils must use for proposed freshwater provisions in regional policy statements and regional plans. In a Freshwater Planning

¹ Ministry for the Environment's Freshwater Planning Process fact sheet - <https://environment.govt.nz/assets/Publications/Files/a-new-freshwater-planning-process-factsheet.pdf>

Process the Panel will be made up of two freshwater commissioners that are appointed by the Ministry for the Environment, two council nominated members and one tangata whenua nominated member. The Schedule 1 process is the process that has been used to decide on the Outstanding Water Bodies plan change, plan change 7, and the TANK plan change, plan change 9.

19. The fifth decision is to notify the proposed plan. The 4th and 5th decisions are important process steps to ensure we have an appropriate Panel to decide Kotahi and to ensure we are able to get Kotahi notified in time.

Workshops

20. There are approximately 20 RPC meetings before we notify Kotahi. As discussed in the October 2020 report, the Planning Policy team will organise workshops before each RPC meeting to step through information to help support the development of Kotahi. The RPC has requested discussion on mātauranga Māori, climate change and how it will be woven into Kotahi, Te Tiriti o Waitangi and biodiversity. Councillors received training in early 2021 on Te Tiriti on Waitangi prior to them making decisions on the Māori wards, it is not yet clear whether further training is required. Officers have also identified other workshop topics including:
 - 20.1. what is in a regional plan and what a regional plan does including structure, how regional plans interact with other plans, including city/district plans
 - 20.2. National Policy Statements, National Environmental Standards and how they fit together
 - 20.3. RPS and Plan direction, options for strategic policy direction
 - 20.4. topic/takiwā updates, for example air and catchments
 - 20.5. update for any new Councillors after 2022 local government elections if needed, and
 - 20.6. the Hearing Process including what is a Freshwater Planning Instrument?
21. These workshops will run in a logical order. Items will be discussed at workshops and if a decision needs to be made it will be made at the following RPC meeting. So, if an item is discussed at a workshop in March, the decision item will be brought to the RPC in April/May. The workshops can be seen in Attachment 1. These workshops can be amended and updated as we go and there is room for other workshops if necessary and appropriate.
22. In previous RPC workshops, officers have discussed passing information to the RPC outside of scheduled workshops and meetings. Officers will deliver memos to the RPC as and when necessary to update the RPC on pertinent information.

Next Steps

23. Officers will continue to run workshops with the RPC has sufficient information to ensure key decisions are made in a timely manner. Officers will add a standard item to the RPC to show the workshops that have been held, the decisions that have been made, future workshops and future decisions that need to be made, so as to keep a clear and visible register. See Attachment 2 for the standard item.
24. Officers will keep the RPC updated on the Kotahi timetable and any key external influences that may change the timetable.

Decision Making Process

25. 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 “Regional Planning Committee work programme for Kotahi” staff report.

Authored by:

Anne Bradbury
SENIOR POLICY PLANNER

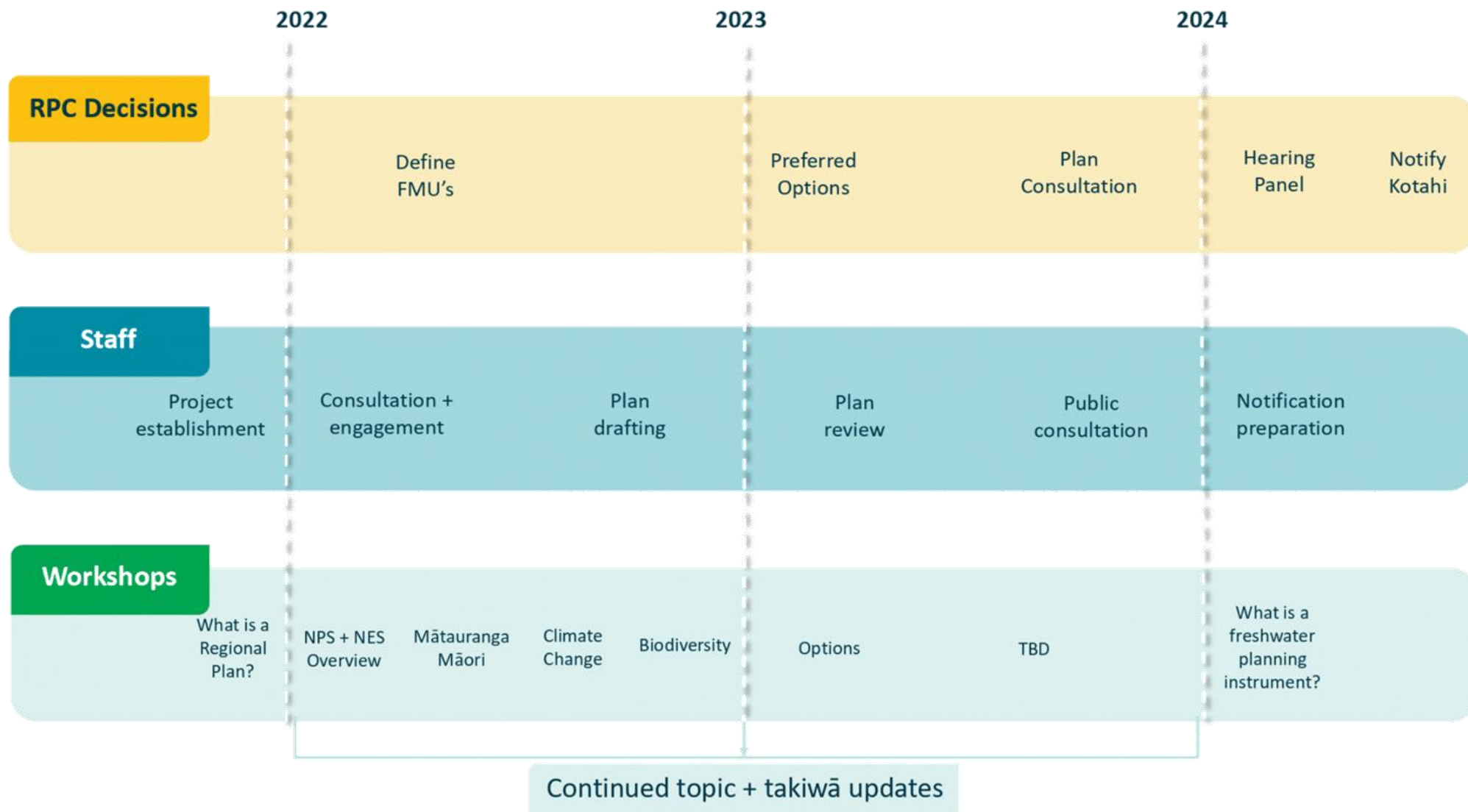
Nichola Nicholson
POLICY PLANNER

Approved by:

Ceri Edmonds
MANAGER POLICY AND PLANNING

Attachment/s

- 1 [↓](#) Timeline for Kotahi
- 2 [↓](#) List of RPC decisions and workshops on Kotahi



Standing item: list of workshops and decisions that have been made, and that will be coming up between now and when Kotahi is notified. Items may move and new items will be added.

	Date	Workshop items	Committee items
2020	14 October		Kotahi is introduced (information item)
	December	Kotahi Project Principles	
2021	10 March	Looking back/looking forward RM reform	Kotahi Project Principles (decision item)
	14 April	FMU Regionally significant issues	Mohaka co-design project brief
	7 July	FMU workshop Regionally significant issues	FMUs (decision item)
	1 September	FMU at TW hui	FMUs (decision item) Regionally significant issues (information only)
	20 October	Kotahi resourcing	Work programme for Kotahi (information item)
	1 December	What is a Regional Plan?	
2022 (Tentative dates)	16 February	NPS & NES overview	
	6 April	RPS and Plan direction	
	8 June	RPS and Plan direction	Visions, Values & FMUs
	3 August	Mātauranga Māori	RPS and Plan direction
	14 September	Climate Change	
	23 November	Biodiversity	
2023	Quarter 1		
	Quarter 2		
	Quarter 3		Approve Kotahi for draft consultation (decision item)
	Quarter 4		
2024	Quarter 1		
	Quarter 2	Hearing Process	
	Quarter 2		Hearing Panel (decision item)
	Quarter 3		Notify Kotahi (decision item)
	Quarter 4		



HAWKE'S BAY REGIONAL COUNCIL
REGIONAL PLANNING COMMITTEE

Wednesday 20 October 2021

Item 8

Subject: OCTOBER 2021 POLICY PROJECTS UPDATE

Reason for Report

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

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

Authored by:

Anne Bradbury
SENIOR POLICY PLANNER

Belinda Harper
SENIOR PLANNER

Ellen Robotham
POLICY PLANNER

Approved by:

Ceri Edmonds
MANAGER POLICY AND PLANNING

Katrina Brunton
**GROUP MANAGER POLICY &
REGULATION**

Attachment/s

- 1 [!\[\]\(693fcb3caaca16f960792dd4ef78f66d_img.jpg\) October 2021 RMA projects Update](#)

Status Report on HBRC Resource Management Plan Change Preparation & Review Projects (as at 6 October 2021)

Updates are in blue underlined text

Project	Narrative update	Next intended reporting to RPC
<u>'PC7' Outstanding waterbodies plan change</u>	<ol style="list-style-type: none"> Publicly notified on 31 August 2019. 41 submissions were received, 19 further submissions. The OWB Hearing was held from 30 November to 4 December 2020. Hearing Commissioners are Dr Brent Cowie (Chair), Dr Roger Maaka and Christine Scott. 24 submitters attended the hearing. On 26 June 2021, Hawke's Bay Regional Council gave public notice that the Independent Hearing Panel had made decisions on submissions to Proposed Plan Change 7. A full copy of the decision can be viewed here https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/Decision-of-the-Independent-Hearing-Panel-PC7.pdf The following parties have lodged appeals with the Environment Court: <ol style="list-style-type: none"> The Māori Trustee Royal Forest and Bird Protection Society of New Zealand Incorporated Te Taiwhenua o Heretaunga, Te Runanganui o Heretaunga, Te Manaaki Taiao o Heretaunga and Ngāti Kahungunu Iwi Incorporated A copy of each of these appeals can be viewed here https://www.hbrc.govt.nz/hawkes-bay/projects/outstanding-water-bodies/ These appeals will now proceed through the Environment Court's processes, which include mediation and formal court hearings if necessary. The PC7 decision must be issued before 31 August 2021 (i.e. two years after public notification date). 	Updates from staff as and when new information becomes available.
<u>Mohaka Catchment Policy Development for Kotahi</u>	<ol style="list-style-type: none"> Under preparation. Not yet notified. Staff are currently redesigning the project brief and programme of work with tāngata whenua and their project team (please refer to the paper attached to this agenda). Critical tāngata whenua-led workstreams are being supported and resourced by HBRC. These workstreams are fundamental to the success of the plan by enabling tāngata whenua to be actively involved in the plan development process. Website updated with information gathered during initial community engagement pre-Christmas on catchment values and issues. Public meeting at Te Pohue on 25 March 2021 to introduce wider community to the Mohaka catchment policy development work A wananga was held by NPDT in the Taupo on the 14-15 June as part of the Maori-led workstream. A verbal update was provided to the RPC 1 September 2021. 	Update on catchment values work anticipated early 2022

Project	Narrative update	Next intended reporting to RPC
'PC9' Greater Heretaunga/ Ahuriri catchment area plan change (aka TANK)	<p>14. The TANK Plan Change was notified on 2 May 2020 and the submissions period closed on 14 August 2020.</p> <p>15. 240 submissions were received from a wide range of perspectives. Key themes relate to Te Mana o Te Wai and allocation of water. The summary of submissions was notified on 11 November 2020 and closed on 9 December 2020. 24 further submissions were received.</p> <p>16. Staff analysed all submissions received and prepared a report under Section 42A of the RMA which provides recommendations to the hearings panel on whether to accept, accept in part, or reject submissions on the plan change. All documents relevant to the TANK Plan Change 9 and the hearings are available on the Council's website: https://www.hbrc.govt.nz/hawkes-bay/projects/the-tank-plan/tank-submissions-and-hearings/</p> <p>17. 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.</p> <p>18. The hearings panel consists of Antoine Coffin (Chair), Dr Brent Cowie, Dr Greg Ryder, Dr Roger Maaka, and Rauru Kirikiri.</p> <p><u>Next steps</u></p> <p>19. Hearings commenced on the 24 May and ran through June. The first three days of the hearing were held at Mangaroa Marae in response to requests from tāngata whenua.</p> <p>20. A further day of hearing was held on 27 September. The further day was specifically about water quantity aspects of PPC9.</p> <p>21. At the time of writing, the hearings had not formally closed. Decisions on submissions must be issued before 2 May 2022 (i.e. two years after public notification date).</p>	<p>Updates from staff as and when new information becomes available.</p>
Implementation of National Policy Statement on Urban Development 2020 ('NPS-UD')	<p>22. A technical assessment of 2020-2050 housing demand and potential supply for range of housing types is nearing completion for the Napier-Hastings urban area.</p> <p>23. One feature of the housing assessment is the calculation of 'housing bottom lines' for the Napier-Hastings urban area. Housing bottom lines represent the amount of development capacity to meet expected housing demand over the next three, ten, and thirty year periods.</p> <p>24. An overview of the final assessment work is intended to be presented to each of the three partner councils at one of their respective council meetings in November. For HBRC, this will be the Corporate and Strategic Committee meeting on 17 November 2021.</p> <p>25. The assessment for the Napier-Hastings urban area is required by the 2020 NPS-UD which came into effect in August 2020. The NPS-UD directs that Napier City Council, Hastings District Council and HBRC are jointly responsible for undertaking this housing needs assessment.</p> <p>26. The three councils will also be jointly responsible for developing a 'Future Development Strategy' for the Napier-Hastings urban area by 2024. That Strategy would sit outside of the Regional Policy Statement and regional plans (much like the existing Heretaunga Plains Urban Development Strategy).</p>	<p>Updates from staff as and when new information becomes available.</p>

Project	Narrative update	Next intended reporting to RPC
Ngaruroro and Clive Rivers Water Conservation Order	<p>27. The Environment Court hearing on the Water Conservation Order began on 9 February 2021. Court proceedings were scheduled to adjourn on 19 February 2021. However, due to COVID Level 3 restrictions in Auckland the second week of the Environment Court hearing did not proceed.</p> <p>28. Hearings were rescheduled and held during the week of 14 June 2021.</p> <p>29. HBRC staff will provide an update when the Court's decisions on the WCO is made available.</p> <p>30. For more information, see: https://www.epa.govt.nz/public-consultations/decided/water-conservation-order-ngaruroro-and-clive-rivers/</p>	Updates from staff as and when new information becomes available.
Statutory Acknowledgements of Treaty settlements	<p>31. 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.

SUBJECT: OCTOBER 2021 STATUTORY ADVOCACY UPDATE

Reason for Report

1. This item updates the status of reports on proposals forwarded to the Regional Council and assessed by staff acting under delegated authority as part of the Council's Statutory Advocacy project.
2. The Statutory Advocacy project 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 "*October 2021 Statutory Advocacy Update*" staff report.

Authored by:

Nichola Nicholson
POLICY PLANNER

Ellen Robotham
POLICY PLANNER

Approved by:

Ceri Edmonds
MANAGER POLICY AND PLANNING

Attachment/s

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

Statutory Advocacy Update (as at 6 October 2021)

Note: updates since reporting for previous RPC meeting (1 September 2021) are provided in red text.

Table 1: National Proposals

Received	Proposal	Agency	Status	Current Situation
10 Feb 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)	<p>According to a MFE newsletter, more than 3000 submissions were received on an exposure draft of the Natural and Built Environments Bill. The Environment Select Committee will report its findings to Parliament on 22 October 2021.</p> <p>Both the full Natural and Built Environments Act and the Strategic Planning Act will be introduced into Parliament in 2022, thereafter there will be an opportunity to make submissions through another select committee process. The Government's aim is for those two bills to be passed into law this parliamentary term, and also aiming to introduce a draft Climate Change Adaptation Act in 2023.</p>
26 Nov 2019	Draft National Policy Statement for Indigenous Biodiversity (NPS-IB) The proposed NPS-IB sets out the objectives and policies to identify, protect, manage and restore indigenous biodiversity under the Resource Management Act 1991. https://www.mfe.govt.nz/publications/biodiversity/draft-national-policy-statement-indigenous-biodiversity	Ministry for the Environment	Public feedback closed 14 March 2020. Anticipating exposure draft release ~late 2021	<p>Anticipating release of an Exposure Draft of revised NPS-IB in October/ November for targeted stakeholder feedback. Ministerial approval of a final NPS-IB likely to now occur in 2022.</p> <p>Previously, in 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.</p>
14 Aug 2019	National Policy Statement – Highly Productive Land (NPS-HPL) MPI and MfE have prepared a draft NPS to improve the way highly productive land is managed under the RMA. https://www.mpi.govt.nz/news-and-resources/consultations/proposed-national-policy-statement-for-highly-productive-land/	Ministry for Primary Industries	Public feedback closed 10 October 2019. Anticipating announcement by Minister ~late 2021	<p>Previously, in October 2019 HBRC, NCC, HDC and CHBDC made a joint submission which can be found at HBRC Submissions.</p>

NB: [Water Services Act 2021](#) passed Parliament's Third reading on 28 September and received Royal assent on 4 October 2021.

As per section 2 of the Act, the Water Services Act 2021 will come into force from the earlier of:

- A date appointed by the Governor General by Order in Council; and
- The date that is 2 years after the date on which this Act receives the Royal assent [i.e. 4 October 2023].

Table 2: Territorial Local Authority Proposals

Received	TLA	Proposal	Applicant/ Agency	Status	Current Situation
July 2020	NCC	Application to Ministry of Transport Pipeline Protection Zone under the Submarines Cables and Pipeline Protection Act 1996 Application made to seek protection for submarine pipes in the coastal marine area.	Napier City Council, Hastings District Council, Pan Pac Forest Products Ltd	Application made June 2020 – public feedback closed July 2020	Previously.... Feedback submitted. A copy of HBRC's submission can be found at HBRC Submissions . No update from NCC at time of writing relating to applications status.
March 2019	NCC	Napier City Council District Plan Review & Spatial Picture	Napier City Council	Draft District Plan Consultation 6 August -24 September 2021	Napier City Council has now released their draft district plan and spatial picture with an extended the submission period to the 24 September 2021 due to COVID19. A copy of the HBRC submission to the Draft District Plan can be found here and the HBRC submission to the Spatial picture can be found here . NCC intends to hold a workshop with their councillors in December 2021 to discuss submissions. The timeline and further information can be found on the NCC website https://www.napier.govt.nz/our-council/plans-strategies-reports/napiers-district-plan/district-plan-review/
28 May 2021	CHBDC	Central Hawke's Bay District Plan Review CHBDC have undertaken a full review of the District Plan. A new proposed district plan was publicly notified on 28 th May 2021.	Central Hawke's Bay District Council	Submissions closed 6 Aug 2021 Hearing Pending	Previously... <ul style="list-style-type: none"> A submission was lodged on 6 August. A copy of HBRC's submission can be found at HBRC Submissions. Planning staff currently reviewing relevant sections of recently released proposed district plan. Written comments still to be confirmed. Previously, feedback had been provided on earlier discussion documents. A copy of HBRC's earlier feedback can be found at HBRC Submissions.
18 Jan 2016	WDC	Resource Consent Application Consent is sought to clear 248 hectares of Manuka and Kanuka on Part Umumanfo 2 Block on Kopuawhara Road, Mahia.	Applicant R & L Thompson Agent Insight Gisborne Ltd	Limited Notified WDC hearing pending	Previously... <ul style="list-style-type: none"> HBRC has opposed the application based on concerns relating to the loss and degradation of soil (erosion) and water quality. A copy of the submission can be found at HBRC Submissions. HBRC staff and applicants have held discussions about potential alternative clearance proposals.

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	Operative with the exception of Section 16.1	<p>Previously...</p> <ul style="list-style-type: none"> At the February 2020 Council meeting, a resolution was passed to make the Proposed District Plan 'Operative in Part'. The exception relates to Section 16.1 – Wāhi Taonga District Wide Activity. 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	<p>Previously...</p> <p>Submission lodged. A copy of HBRC's submission can be found at HBRC Submissions.</p>
24 July 2017	Application for Water Conservation Order (WCO) Application for a WCO for the Ngaruroro River & Clive River	<p>Applicants</p> <p>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</p>	<p>Special Tribunal Recommendation Report Released.</p> <p>Environment Court Inquiry in progress</p>	<ul style="list-style-type: none"> The Environment Court hearing began on 9 February 2021. Court proceedings were scheduled to adjourn on 19 February 2021. However, due to COVID Level 3 restrictions in Auckland the second week of the Environment Court hearing did not proceed. Hearings were rescheduled and held during the week of the 14 June 2021. HBRC staff will provide an update when the Court's decisions on the WCO are made available. <p>For more information, see: https://www.epa.govt.nz/public-consultations/decided/water-conservation-order-ngaruroro-and-clive-rivers/</p>

Received	Proposal	Agency	Status	Current Situation
Various	Marine and Coastal Area (Takutai Moana) Act 2011	Applicants: Ngāti Pāhauwera Development Trust, Maungaharuru Tangitū Trust, Ngai Tāhū O Mohaka Waikare, Ngati Parau Hapu (Waiohiki Marae Board of Trustees)	Hearing finished, High Court Judge's decision pending	• → No further update
Various	Marine and Coastal Area (Takutai Moana) Act 2011	Applicants Catherine and Clarkson	Decision released 30 July	• → Decision was released on 30 July. The decision can be found here: https://www.courtsofnz.govt.nz/assets/5-The-Courts/high-court/high-court-lists/marine-and-coastal-area-takutai-moana-act-2011-applications-for-recognition-orders/2021-NZHC-1968.pdf

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 20 October 2021

Item 11

Subject: DISCUSSION OF MINOR MATTERS NOT ON THE AGENDA

Reason for Report

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

Item	Topic	Raised by
1.		
2.		
3.		