



## Meeting of the Regional Planning Committee

**Date:** Wednesday 16 February 2022  
**Time:** 10.00am  
**Venue:** Council Chamber  
Hawke's Bay Regional Council  
159 Dalton Street  
NAPIER

### Agenda

Item	Title	Page
1.	Welcome/Karakia/Notices/Apologies	
2.	Conflict of Interest Declarations	
3.	Confirmation of Minutes of the Regional Planning Committee held on 20 October 2021	
4.	Welcome to Newly Appointed Tangata Whenua Representatives	
5.	Follow-ups from Previous Regional Planning Committee Meetings	3
6.	Call for Minor Items Not on the Agenda	13
<b>Decision Items</b>		
7.	Tangata Whenua Hearing Panel Commissioners' Conflicts of Interest Management	15
8.	Proposed Schedule of 2022 Council and Committee Meetings	31
<b>Information or Performance Monitoring</b>		
9.	Policy Projects Update	35
10.	February 2022 Statutory Advocacy Update	41
11.	Update on the Central Government Programme of Reforms	
12.	Discussion of Minor Matters Not on the Agenda	49

## 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
Allanah Hiha	Mana Ahuriri Trust
Tania Hopmans	Maungaharuru-Tangitu Trust
Laura-Margaret Kele	Heretaunga Tamatea Settlement Trust
Nicky Kirikiri	Te Toi Kura o Waikaremoana
Mike Mohi	Ngati Tuwharetoa Hapu Forum
Keri Ropiha	Heretaunga Tamatea Settlement Trust
Apiata Tapine	Tātau Tātau o Te Wairoa
Theresa Thornton	Ngati Pahauwera Development Trust
Rick Barker	Hawke's Bay Regional Council
Will Foley	Hawke's Bay Regional Council
Craig Foss	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
Jacqueline Taylor	Hawke's Bay Regional Council
Jerf van Beek	Hawke's Bay Regional Council
Martin Williams	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.

### **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

Wednesday 16 February 2022

**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 [Download](#) Followups for February 2022 RPC meeting



## Follow-ups from Previous Regional Planning Committee Meetings

## Meeting on 20 October 2021

ref	Agenda Item	Action	Responsible	Status Comment
1	Statutory Advocacy Update	Committee members and PSGEs to be provided with a summary document outlining discussions about a Hawke's Bay 'pilot region' proposal.	L Hooper	Summary ( <b>reference 1 following</b> ) of discussions was re-distributed via email on 10 November 2021.
2	Verbal Update on Central Government Programme of Reforms	An update on the Water Services Bill, including implications for the Regional Council, to be provided	J Palmer/ K Brunton	Memo ( <b>reference 2 following</b> ) providing an overview of Water Services Act 2021's implications was circulated to members of RPC and Maori Committee on 6 December 2021. This was provided in lieu of briefing paper given cancellation of RPC's meeting that had been scheduled for December.

## Meeting on 1 September 2021

ref	Agenda Item	Action	Responsible	Status Comment
2	Proposed Plan Change 7: Outstanding Water Bodies - Overview and resolution of Appeals	Contact PSGEs to get their agreement to Terms of Reference agreed by RPC and HBRC in October 2019	P Munro/ J Palmer	Two PSGE Appointers responded. CE's letter to be re-sent to balance of PSGEs with a follow-up call from Te Pou Whakarae.

## Reference 1

## Regional Spatial Strategies – What you need to know October 2021

## Background

The Government is proposing a new planning system by repealing and replacing the RMA with three new pieces of legislation – the Natural and Built Environments Act (NBA), the Strategic Planning Act (SPA) and the Climate Adaptation Act (CAA). The Natural and Built Environments Bill is the primary piece of legislation that will replace the RMA and as such, it is central to the reform of the resource management system.

As part of the transition to the new resource management system, the Ministry for the Environment is canvassing the option of working with one region to develop a 'pilot' Regional Spatial Strategy (RSS) under the SPA. The Government is proposing that a RSS will become mandatory for each region in New Zealand.

## What is a Regional Spatial Strategy

The SPA will require central government to work with councils and mana whenua to create a Regional Spatial Strategy for both land and coastal marine areas for the region.

In the context of the SPA, spatial planning is about setting a long-term direction (30-50 years) and long-term goals for social, economic, environmental and cultural wellbeing, through regional spatial strategies that integrate land use planning, environmental regulation, infrastructure provision and climate change response.

These Regional Spatial Strategies will be developed to identify areas that:

- Will be suitable for development
- Need to be protected
- Will need new infrastructure and other social needs e.g. schools
- Are vulnerable to climate change effects and natural hazards e.g. tsunami

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 process will enable councils to work alongside central government, mana whenua and wider communities to plan for the future prosperity of the region, setting long term objectives for urban growth and land use change - better managing effects on land, water, sea biodiversity; and optimise environmental, social and cultural outcomes.

Examples of spatial planning include Smartgrowth in Western Bay of Plenty and Future Proof in Waikato. While these two Examples relate to urban growth issues under the SPA, regional spatial strategies would not only look at urban growth, infrastructure and transport matters, but also broader actions for the creation of well-connected and thriving communities, improved well-being whilst responding to the anticipated impacts of climate change, natural hazards, etc. Furthermore, the spatial strategies will be utilised to influence planning and investment decisions of central government agencies such as Kainga Ora and Waka Kotahi.

## What are the benefits and challenges?

Ultimately everyone in the region will benefit. The five councils (HBRC, HDC, NCC, WDC, CHBDC), mana whenua, Ministers of the Crown and a number of Crown agencies will be at the coalface of developing a Regional Spatial Strategy. Successful development of a Regional Spatial Strategy will require strong partnerships between mana whenua, the Crown and councils.

One of the overall goals of the resource management reforms is establishment of a stronger strategic role for Māori, manifested by at least representation in a body (or joint committee) alongside representatives of the Crown and council representatives responsible for overseeing preparation of a RSS.

One of the biggest challenges to preparation of a RSS and subsequent implementation will be limited capacity of mana whenua to engage and be actively involved on top of the numerous other activities



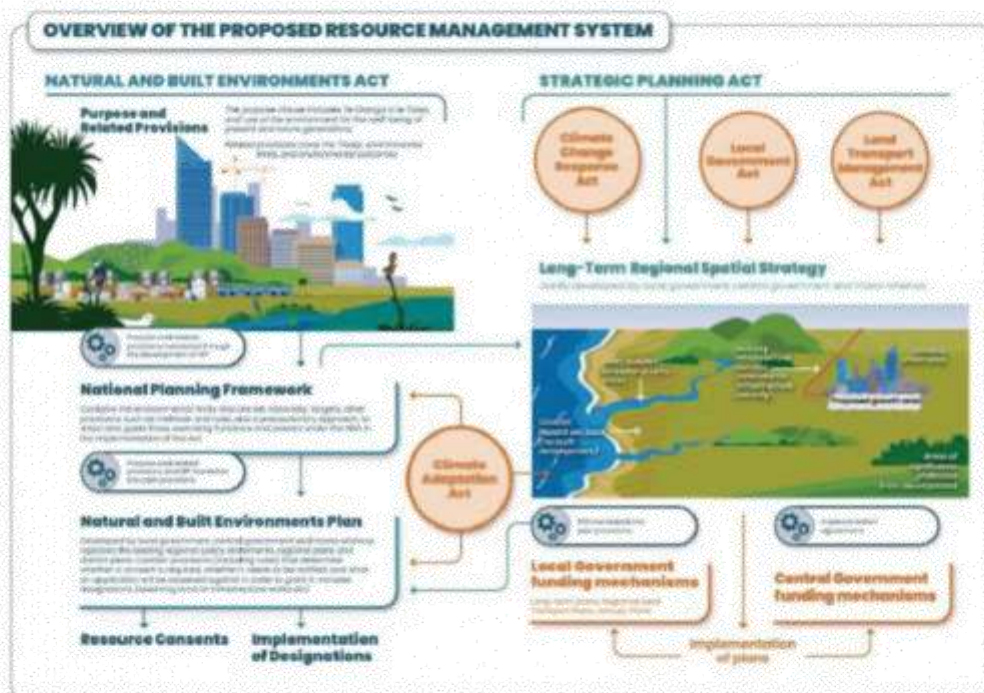
involving them, the Crown and councils. As a Pilot project, it is likely the Crown (through MFE) would be able to provide support to resource mana whenua involvement in this strategic planning project.

In Hawke's Bay the effects of climate change are more pronounced than many other parts of the country and will require greater attention through the development of the RSS. Working collaboratively as one region producing a strategic planned approach to these issues, rather than five separate councils all producing individual planning approaches to these issues will provide the region with an opportunity to address regional issues collaboratively, through one planning process saving time and resources for all. A RSS provides opportunities for the mana whenua to target their resources to one strategic planning document and process, bringing together the region's resource management planners to work together. Having central government ministries and agencies involved has also provided Waikato and WBOP with greater opportunities to access funding. It is anticipated similar resourcing and funding could be secured for the development of the RSS in Hawkes Bay.

There will be challenges for the region's TLAs who are at varying stages of their District Plan review cycles. HBRC is undertaking an ambitious review of the regional policy statement, regional coastal plan and regional plans under the RMA (a programme known as 'Kotahi') to be completed by December 2024. There is a significant opportunity in working together and achieving better coordination between councils for achieving longer-term strategic outcomes. One of the goals of the system reforms is to present an opportunity to reduce fragmentation and achieve coherence and integration. This will allow for better direction for regional growth, investment and prioritisation.

Where would Regional Spatial Strategies 'fit' in the reformed resource management system?

The reforms are proposing a single combined plan for each region. The RSS would influence and direct relevant content of those new combined plans to be prepared under the NBA. The RSS itself would be influenced and informed by a 'National Planning Framework' proposed to be created under the NBA.



### When is this happening?

The Exposure Draft for the Natural and Built Environment Act (NBA) was released on the 29 June 2021. Submissions closed on the 4 August and more than three thousand submissions were received by the Environment Select Committee. The Select Committee will report its findings to Parliament on 22 October 2021. It is intended that both the NBA and Strategic Planning Act will be introduced into Parliament in 2022.

As with all legislative changes there are currently a lot of unknowns, including the transition from the current RMA system to the new system. Timing and timeframes will always be a challenge.

The RM Review Panel has recommended to central government to work closely with one region to prepare the first regional spatial strategy to be a model for future regions (also referred to as a 'pilot' region). In September this year the Regional and Unitary Chief Executive Officers' Group (RCEO's) wrote to the Ministry for the Environment in support of the consideration of a pilot region for the development of regional spatial strategy and offered their assistance. Four regions including Hawke's Bay had noted an expression of interest and were endorsed by the Regional Sector for the Ministry's consideration.

The Ministry have indicated a four-stage process for the pilot region as follows:

- **Develop criteria** for selecting a region and **make selection** – now to mid-2022.
- **Consolidation of existing strategies and plans** in selected region (external contractors) – early 2022 – mid 2022
- **Planning Phase** - develop relationships with entities, draw on what can be brought over from consolidation phase, establish training needs, confirm budget and resourcing requirements – mid 2022- late 2022
- **Project Implementation**, develop first Regional Spatial Strategy, support evidence gathering & governance, develop good practice, evaluate implementation deliverables - Enactment onwards

At this stage it is not known whether Hawke's Bay will be selected as the pilot region. If it were, the above timeframe provides an outline of what can be anticipated. That being said, Council officers are in discussions with Ministry officials on a faster timeline for a Hawke's Bay pilot.

If Hawke's Bay is not selected, then the timing of implementing the SPA will become apparent once the Bill is introduced in early 2022.



Reference 2

## MEMO

To: James Palmer  
 From: Gavin Ide  
 Date: 6 December 2021  
 Subject: IMPLICATIONS OF WATER SERVICES ACT 2021 FOR REGIONAL COUNCIL FUNCTIONS  
 CC: Regional Planning Committee Members, Katrina Brunton, Chris Dolley, Jess Ellern, Iain Maxwell, Pieri Munro.

Kia ora James,

- 5 This memo provides a brief outline of key implications for HBRC's functions arising from the recently passed [Water Services Act 2021](#). This memo is in lieu of a briefing paper for the now cancelled Regional Planning Committee meeting previously scheduled for 1<sup>st</sup> December 2021.

To be clear, this memo is not about the Government's latest announcements in terms of 'Three Waters' reform.

#### Water Services Act Overview

- 10 The Government passed the Water Services Act 2021 and received Royal assent on 4 October 2021. This Act aims to transform drinking water safety and improve environmental outcomes for New Zealand's wastewater and stormwater networks. The Water Services Act moves the regulation of water standards from the Ministry of Health to Taumata Arowai which has the legal authority to carry out duties as New Zealand's dedicated water regulator. The Act comes into force 4 October 2023 or  
 15 sooner at a date appointed by the Governor General.

The main purpose of the Act is to ensure that drinking water suppliers<sup>1</sup> provide safe drinking water to consumers by way of a drinking water regulatory framework that is consistent with internationally accepted best practice. A supplier does not include a domestic self-supplier (e.g. via their own bore or rainwater collection for a single dwelling). The Act's additional purposes are to:

- 20 • establish a transparent framework for drinking water, wastewater, and stormwater and network operators  
 • provide mechanisms for capability among drinking water suppliers and across the wider water services sector and  
 25 • establish a framework for the continuous and progressive improvement of the quality of water services in New Zealand.

As part of the Government's wider reforms, the [Taumata Arowai – the Water Services Regulator Act 2020](#) established Taumata Arowai as a Crown entity to provide, among other general functions, a national level administration of the water regulatory system in relation to:

- 30 • drinking water safety, regulation, and risk management, and  
 • the environmental performance, management, and regulation of wastewater and stormwater networks.

<sup>1</sup> In the Act, 'drinking water supplier'.

(a) means a person who supplies drinking water through a drinking water supply; and  
 (b) includes a person who ought reasonably to know that the water they are supplying is or will be used as drinking water; and  
 (c) includes the owner and the operator of a drinking water supply; and  
 (d) includes a person described in paragraph (a), (b), or (c) who supplies drinking water to another drinking water supplier; but  
 (e) does not include a domestic self-supplier.

### Key implications for regional councils

35 The impacts on regional councils are relatively minor relative to the impacts on territorial authorities and drinking water suppliers, as the current role of regional councils is largely maintained, albeit strengthened. This role remains focussed on source quality maintenance and improvement, and monitoring responsibilities, alongside a more general duty to inform others and act on information that has implications for drinking water quality.

40 Specific responsibilities for regional councils under the Act are concentrated under *Subpart 5: Source Water* and are largely consistent with existing practices as follows:

- s41: Source risk management framework is intended to work together with measures under the RMA and the NPS-FM so that risk and hazards to drinking water supplies are identified managed and monitored, and information about these risks and measures is published regularly by regional councils.
- 45 s42: Regional councils must contribute to the development of drinking water risk management plans, by identifying risks or hazards that could affect the quantity or quality of the source, including undertaking actions to address any risks (as agreed, or otherwise required by legislation) on behalf of a drinking water supplier.
- s43: Receive monitoring results annually from Taumata Arowai as provided by drinking water suppliers to Taumata Arowai in accordance with the drinking water safety plan.
- 50 s44: Information about inaccuracies or hazards and risks to drinking water supplies or infrastructure flows between Taumata Arowai, local authorities and drinking water suppliers - this is to facilitate a bidirectional flow of information.
- s45(1): Regional councils to publish and provide to Taumata Arowai with information on source water quality and quantity in their regional annually, including any changes to source water quality and quantity.
- 55 s45(2): Regional Councils must assess the effectiveness of regulatory and non-regulatory interventions relating to source water, every three years (this is in addition to the current RMA requirement to monitor and assess the efficiency and effectiveness of all plans and provisions every five years (RMA s35) and undertake reviews of any un-amended provisions of any policy statements and plans at least every ten years (RMA s79)).
- 60

65 After initial consideration of the new Act, I foresee the most resource intensive component of the proposed changes would be in the proposed three-yearly regional council regulatory and non-regulatory effectiveness review cycle. This is in addition to the existing five-yearly RMA section 35 efficiency and effectiveness review cycle and the ten-yearly RMA section 79 full review cycle. The impact of this is not so much in the report writing, but in the monitoring, analysis and science resource required to inform this reporting, combined with relatively long lag times between changes to regulation and non-regulatory methods that manage land use and water quality.

70 There may also be opportunities for a co-ordinated regional sector approach to information sharing with Taumata Arowai that the regional council CEOs group may wish to consider further.

### Water Services Act 2021 and NPSFM Implementation

75 Table 1 summarises requirements affecting regional councils and implementation of the Government's Essential Freshwater package. In the next few years, drinking water source protection will have to be included in 'Kotahi' objectives, policies and rules. The TANK plan change (plan change 9) has already laid a good foundation to similar work which will need to be done across the wider region.

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**Table 1: Key requirements of Water Services Act 2021 affecting regional councils and NPS-FM implementation**

Topic	Regional Council
Source Water Drinking water supplier prepares source water risk management plan	<i>NPSFM – Identify values, and set objectives, policies and rules for water bodies under the NPSFM (drinking water supply is a recognised priority under the Te Mana o te Wai hierarchy of obligations).</i> Must supply relevant water quality monitoring information and information about known risks/hazards. Undertakes any actions to address risks/hazards that are agreed with district councils and water supplier.
Suppliers monitor source water quality	Results are sent to Taumata Arowai who must provide to regional council annually.
Regional councils publish information about source water	Publish information on source water quality and quantity in the region annually. Regional councils must assess the effectiveness of regulatory and non-regulatory interventions to manage risks or hazards to source water in their region at least once every three years and make this information available to the public on internet sites maintained by or on behalf of the councils.

80

EOM

Memo - Key implications for HBRC of the Water Services Act 2021.docx





**HAWKE'S BAY REGIONAL COUNCIL**

**REGIONAL PLANNING COMMITTEE**

**Wednesday 16 February 2022**

**Item 6**

**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 12:

Topic	Raised by

**Leeanne Hooper**  
**GOVERNANCE TEAM LEADER**

**James Palmer**  
**CHIEF EXECUTIVE**





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

**Wednesday 16 February 2022**

**Item 7**

**Subject: TANGATA WHENUA HEARING PANEL COMMISSIONERS' CONFLICTS OF INTEREST MANAGEMENT**

**Reason for Report**

1. This report presents proposed guidance for the management of conflicts of interest for local Māori commissioners for the Committee's feedback and support for implementation.

**Officers' Recommendations**

2. Council officers recommend that the Regional Planning Committee considers the proposed guidance and how it can support the involvement of more local tangata whenua involvement as resource consent Hearing commissioners.

**Executive Summary**

3. The Hearings Committee recognises the need for local tangata whenua to sit as commissioners on resource consent Hearings Panels. This discussion looks at potential conflicts of interest and how these can be avoided. Legal advice and staff guidance is provided.

**Background /Discussion**

4. At a recent Hearing Committee meeting, the members noted that they wished to see local Māori appointed onto resource consent hearings panels more often. This raised the question of what happens when hapū, Taiwhenua, Post Settlement Group Entities (PSGEs) or Ngāti Kahungunu Iwi Inc (NKII) or other iwi are submitters to an application and when is a person conflicted because of their association with any of these groups such that they should not sit on the panel to decide the matter?
5. The Hearings Committee requested that this matter be brought to the Māori Committee and Regional Planning Committees to discuss and seek guidance on appointing Māori experts as commissioners for resource consent hearings and on determining when a person might be conflicted in this situation. The Resource Management Act provides for hearings for resource consent applications where they are notified, submissions are lodged, and submitters wish to be heard.
6. The Hearings Committee is delegated the function of appointing commissioners to each Resource Consent Hearings Panel. These may be Councillors or other Council committee members or they may be independent appointees. They are required to have current Making Good Decisions (MGD) accreditation.
7. Typically, staff have recommended, and the Hearings Committee have appointed a panel comprising of a commissioner with RMA expertise, a commissioner with technical expertise relevant to the proposal and a commissioner with expertise in tikanga Māori and in Māori values (a Māori expert). On occasions a resource consent application could be heard by a single commissioner where the issues are narrowed down to a few matters and on other occasions the panel could be made up of more than three commissioners.
8. There is no legislative requirement to consult with tangata whenua when appointing commissioners to a resource consent Hearing Panel. However, the HBRC Hearing Committee is made up of four Councillors and two appointees from the Māori Committee and two tangata whenua representatives from the Regional Planning Committee so by its constitution, the Hearing Committee provides the opportunity for consultation with and involvement of tangata

whenua. In doing so, tangata whenua representatives are able to provide guidance and recommendations on when to appoint someone with understanding of tikanga Māori and of the perspectives of local iwi or hapū, and who would be suitable.

9. It is recognised that at times there may be conflicts of interest and it is this matter that is discussed in this report.

### Options Assessment

10. Staff have sought advice from Simpson Grierson on this matter. The essence of this advice (attached and following) is that basic conflict of interest principles should apply. People appointed as commissioners should not hold a bias or an apparent bias nor should they predetermine the matter. Where there is doubt about whether a conflict of interest exists, it can be prudent to err on the side of caution and to look to another appointee.
11. Where the person is a member of an iwi/hapū or can whakapapa to parties involved in the hearing process, this alone will not necessarily raise a conflict of interest. The Office of the Auditor General Managing Conflicts: A Guide for The Public Sector provides guidance. This states:
  - 11.1. *Some cultures, including Māori culture, have a broad concept of family. In our view, a conflict of interest will not often arise where the connection is a common ancestor, such as another iwi or hapū member. Sometimes an iwi connection could create a conflict of interest in and of itself. For example, if the person is working for a public organisation on a Treaty settlement where they are likely to end up as a beneficiary, this might create a conflict of interest. In this situation, the interest is personal.*
12. The advice recommends that conflicts of interest will need to be assessed on a case-by-case basis. The following circumstances are identified as risk factors for conflicts of interest or apparent bias:
  - 12.1. If the commissioner has an official role like as a trustee or director of an iwi entity making an application or submission or was a senior member of the iwi
  - 12.2. If the hearings panel is asked to adjudicate on issues of who holds mana whenua over an area and the commissioner is a member of one of the iwi involved
  - 12.3. If the commissioner has a financial or property interest in the matter
  - 12.4. If the commissioner assisted the iwi with the application or submission
  - 12.5. If there are significant and/or direct impacts on the commissioner's iwi.
13. The advice identifies risk mitigation measures. These include:
  - 13.1. preparing a longlist of commissioners so there is choice and alternatives
  - 13.2. recording the interests of commissioners on the list to help determine risk of conflict
  - 13.3. consider providing training to help potential commissioners to identify risks of conflict
  - 13.4. set out in the contract brief the need to avoid conflict
  - 13.5. engage with Commissioners at appointment stage to check on any financial, property, relevant family ties (including whakapapa) and any other roles they hold (such as directorship or trustee roles)
  - 13.6. declaring possible conflict at the time it is realised and testing acceptance of other parties
  - 13.7. recusing appointment if possible conflict is identified and/or not accepted or dismissed as a concern by other parties.
14. While some recommendations are made, the Regional Planning Committee members may have other ideas about how this can be done differently and/or more effectively.

15. The approach going forward can be improved to enable MGD qualified Māori Committee and Regional Planning Committee members and other local tangata whenua more opportunity to sit on hearings panels. Further training could be arranged for potential commissioners if this is seen as beneficial (over and above the Making Good Decisions training).
16. It is proposed that the following staff guidance be followed for all potential commissioners. Specific questions are identified for Māori experts to check that they are not conflicted due to their association with their iwi or hapū.

#### **Proposed guidance for staff when recommending commissioners for appointment**

17. Proposed guidance for appointment of commissioners who are Māori experts:
  - 17.1. Prepare a longlist of local people with Making Good Decisions accreditation and with Māori expertise.
  - 17.2. Check with each potential commissioner that they don't perceive a conflict of interest. The questions to be asked of Māori experts would include:
    - 17.2.1. Do you have an official role (e.g. trustee, director or senior member of an iwi / hapū or other entity making an application or submission on the application)?
    - 17.2.2. If the Hearing panel is asked to adjudicate on issues of who holds mana whenua over an area, are you a member of one of the iwi / hapū involved?
    - 17.2.3. Do you have a financial or property interest in the matter?
    - 17.2.4. Have you assisted the iwi with the application or submission?
    - 17.2.5. Are there significant and/or direct impacts on your iwi / hapū or other entity of which you are a trustee, director or senior member?
  - 17.3. Appoint a backup person in case the first person is unavailable closer to the time of the Hearing. This is standard practice for all commissioner appointments.
  - 17.4. Include a clause in the contract (where one is required) informing the pending Commissioner that they should be familiar with the Auditor-General's "Managing Conflicts: A Guide for the Public Sector" and that they will be required to sign a declaration that confirms that they do not consider they have any conflict of interest prior to the Hearing. This is required for all commissioners on the Panel.
  - 17.5. Require, prior to commencing a Hearing, that Commissioners complete a Declaration of Interests form to confirm that they have considered their interests in relation to the application and the parties involved and that they do not have a conflict of interest. This is standard practice for all commissioner appointments.

#### **Examples from other areas**

18. The advice from Simpson and Grierson refers to Joint Management Agreements established between Tūwharetoa Māori Trust Board and Taupo District Council (2009) and also between Te Runanganui O Ngāti Porou Trustee Ltd and Gisborne District Council (2015) and a mana whakahono a rohe or iwi participation arrangement between Poutini Ngai Tahu and West Coast Regional Council (2020). These establish joint management agreements across a range of matters including the appointment of consent hearing commissioners.
19. Taupo and Gisborne agreements have the same conflicts of interest clause.
  - 19.1. *Conflicts of Interest shall be considered and identified at the earliest possible moment and brought to the attention of the Panel at the earliest possible time, and in accordance with the Controllers and Auditor Generals Guidelines: Managing conflicts of interest: Guidance for public entities.*
20. The Gisborne agreement adds a second paragraph.
  - 20.1. *A panel member is not precluded by the Local Authorities (Members' Interests) Act 1968,*

*or any other regulatory mechanism, from discussing or voting on a matter merely because the member has Ngāti Porou whakapapa. The conflict would have to be direct e.g. ownership of land that is subject to a consent application.*

21. The West Coast protocol addresses conflict of interest with the following statement:
  - 21.1. *Where perceived conflicts of interest arise in relation to hearing commissioner appointments, the Parties agree that a registered Ngāi Tahu tribal member who is trained as a hearing commissioner will continue to sit on the hearing panel on matters related to Poutini Ngāi Tahu rights, interests and values, and that their Ngāi Tahu whakapapa does not in itself constitute a conflict of interest. It should be noted that the principles of fairness and natural justice apply to all hearings.*
22. These statements incorporate and reflect the Auditor General's guidance. The West Coast protocol is saying that if someone is conflicted, they will be replaced by another person who is a registered Ngāi Tahu tribal member.

### **Strategic Fit**

23. The Strategic Plan emphasises the need to work together. Representation of local tangata whenua on Consent Hearings Panels will assist in making decisions that align with desired outcomes expressed in the Strategic Plan and in the RMA suite of documents that HBRC implement.

### **Significance and Engagement Policy Assessment**

24. This is not a change of policy. Resource consent applications can be small to major in effect. Effects on Tangata whenua values and relationships must always be taken into account. Commissioners with expertise in tikanga māori and in Māori values have been appointed to Hearing Panels in the past. This discussion is around achieving more involvement of local people with expertise in tikanga Māori and in māori values in the decision-making process while avoiding any conflicts of interest.

### **Considerations of Tangata Whenua**

25. As mentioned above this discussion is around achieving the involvement of local people with expertise in tikanga Māori and in Māori values as commissioners on resource consent Hearing panels. The aim is to develop options to facilitate their appointment while ensuring that they do not have a conflict of interest.

### **Financial and Resource Implications**

26. There are no financial and resource implications for the Council. Hearing Commissioners are paid for their time and costs associated with preparing for, attending and deciding on a resource consent application. These costs are recovered from the applicants.

### **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.
28. 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, the Regional Planning Committee can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

## Recommendations

That the Regional Planning Committee:

1. Receives and considers the '*Tangata Whenua Hearing Panel Commissioners' Conflicts of Interest Management*' staff report
2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that the Committee can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.
3. Supports the involvement of more local tangata whenua as Resource Consent Hearing Commissioners.
4. Supports the proposed guidance to avoid conflicts of interest (with agreed amendments incorporated if required).

### Authored by:

**Malcolm Miller**  
**MANAGER CONSENTS**

### Approved by:

**Katrina Brunton**  
**GROUP MANAGER POLICY & REGULATION**

### Attachment/s

- 1 [📄](#) Simpson Grierson Tangata Whenua Conflicts of Interest Guidance
- 2 [📄](#) List of local tangata whenua Making Good Decisions qualified Hearings Commissioners







**To** Malcolm Miller 20 September 2021  
**From** Matt Conway, Judith Cheyne and Madeline Ash  
**Subject** Conflicts of Interest (Tangata Whenua Commissioners)

1. This memorandum has been prepared for Hawke's Bay Regional Council (**the Council**) to assist it in managing conflicts of interest. The context is that the Council wishes to appoint more tangata whenua commissioners for Resource Management Act 1991 (**RMA**) hearings, and wants to understand how to avoid conflicts of interest, particularly with tangata whenua commissioners who belong to Hawke's Bay iwi/hapū.
2. The standard principles of conflicts of interest apply in this situation, including considerations of bias and pre-determination. We note that membership of an iwi/hapū or whakapapa alone will not necessarily raise a conflict of interest.
3. Therefore, each situation needs to be considered on a case-by-case basis. We provide some factors that may be relevant to whether a conflict exists and some example situations to illustrate conflicts in real-life situations.
4. We also outline some general steps that Council can take to mitigate risk and follow best practice for handling conflicts, steps when selecting a long-list of commissioners and steps when selecting commissioners for particular hearings.

Basic principles of bias/predetermination apply:

5. A Panel member will have a conflict of interest if there is actual or apparent bias or predetermination brought to their decision-making.
  - (a) **Actual bias**— Where the decision-maker actually demonstrates favouritism in making a decision.
  - (b) **Apparent bias**— Where the decision-maker has a financial or other interest in the decision. It arises in less tangible situations and is not concerned with whether the person is actually biased but whether the person could be seen to be biased.
  - (c) **Predetermination**— Where the decision-maker does not approach the matter with an "open mind". A decision-maker may have expressed a view on a matter but if they can show they are open to being persuaded (haven't made up their mind already), then there is no predetermination.
6. The concern is maintaining impartiality in the exercise of decision making powers. Given the relevance of perceptions in relation to apparent bias in particular, in situations where there is doubt about whether a conflict of interest exists, it can be prudent to err on the side of caution.

Membership of an iwi/hapū or whakapapa alone will not necessarily raise a conflict of interest

7. Several sources indicate that, applying the above standards, membership of an iwi/hapū, whakapapa or other kinship connections are unlikely to be a conflict of interest of

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1

themselves. For instance, the Office of the Auditor-General's (OAG's) [Managing Conflicts: A Guide For The Public Sector](#) states:

*Some cultures, including Māori culture, have a broad concept of family. In our view, a conflict of interest will not often arise where the connection is a common ancestor, such as another iwi or hapū member. Sometimes an iwi connection could create a conflict of interest in and of itself. For example, if the person is working for a public organisation on a Treaty settlement where they are likely to end up as a beneficiary, this might create a conflict of interest. In this situation, the interest is personal.*

8. Similarly, the Quality Planning website's [Conflicts of Interest: A Guide to the Local Authorities \(Members' Interests\) Act 1968 and Non-pecuniary Conflicts of Interest](#) guide states:

*Some cultures, including Maori culture, have a broad concept of who is regarded as a family member or relative. This can make it difficult to assess whether a conflict of interest exists. In general, you should apply the same principles as for personal relationships set out above. However, we do not think that a person needs to be regarded as part of your immediate family just because they are part of your wider kin group descended from a common ancestor (such as an iwi or hapū).*

9. Therefore, membership of an iwi/hapū or whakapapa alone will not necessarily raise a conflict of interest. Despite this, such connections should still be managed according to best practice, so that decisions are transparent and not subject to challenge.

Conflicts will need consideration on a case-by-case basis

10. Therefore, we consider that each situation will need to be assessed on a case-by-case basis. We provide some examples below of situations that may raise conflict of interest considerations. Generally, risk factors for conflicts of interest or apparent bias may include:

- (a) If the commissioner has an official role like as a trustee or director of an iwi entity making an application or submission or was a senior member of the iwi.
- (b) If the hearings panel is asked to adjudicate on issues of who holds mana whenua over an area and the commissioner is a member of one of the iwi involved.
- (c) If the commissioner has a financial or property interest in the matter.
- (d) If the commissioner assisted the iwi with the application or submission.
- (e) If there are significant and/or direct impacts on the commissioner's iwi.

Example situations:

11. The appendix to this advice sets out some hypothetical examples by way of general guidance about how conflicts of interest could arise. If situation arises that you are unsure about, we suggest seeking advice.

Risk mitigation steps generally:

12. Clarify the Council's conflict of interest policy in the terms of reference. At its simplest, it could do this by saying conflicts of interest will be managed according to the OAG's *Managing Conflicts: A Guide For The Public Sector*. The OAG's guide contains best practice for managing conflicts and referencing it would ensure that the Committee

understands how to identify conflicts, what to do when conflicts occur, and where to locate further information about conflicts.

13. Clarify the Council's approach to conflicts of interest in other documents such as relationship agreements with iwi authorities. Relationship agreements between iwi and local authorities sometimes reference the OAG's guide (see [Taupō District Council's Joint Management Agreement with Ngāti Tūwharetoa](#) or [Gisborne District Council's Joint Management Agreement with Ngāti Porou](#)) or contain their own protocols for handling conflicts of interest (see [West Coast Regional Council's Mana Whakahono ā Rohe Documents with Ngāti Waewae, Makaawhio and Ngāi Tahu](#)).

*Risk mitigation steps at the longlist stage:*

14. Select several suitable commissioners with various affiliations. This provides Council with a larger group of people from which to choose the most suitable commissioner. It also means that, if an individual is conflicted and cannot be a commissioner, there are other individuals available with relevant expertise in tikanga.
15. Develop processes to identify and manage potential conflicts when selecting commissioners, including ensuring disclosure of any potential interests that could give rise to a conflict. This could be through a register of interests, or on an ad hoc basis. Ideally, there would be a process for identifying conflicts at both the longlist stage and the appointment stage (discussed below). A register of interests may be more suitable for the longlist stage because it provides a general idea of what commissioner's interests are and more detailed interests could be obtained when considering potential appointments.
16. Consider providing training for those on the Council's list of potential commissioners to help them identify and manage conflicts. We would be happy to assist with your training needs, if the Council wished.
17. Consider adding a clause to commissioners' contracts requiring commissioners to disclose their interests and to take all practicable steps to avoid conflicts of interest. Requirements to disclose could also be included in the 'Project Brief' section of the contract as a reporting requirement. Such additions would need to cover any interests that arise before or during the hearing. We would be happy to assist with drafting such additions, if the Council wished.

*Risk mitigation steps at the appointment stage:*

18. Identify whether the application is likely to raise any particular matters of interest to local iwi/hapū. Particular attention might be paid where the application relates to water, wastewater, wahi tapu or significant landmarks (like mountains) or if there has been previous iwi/hapū involvement in an application. Whether an application is likely to raise matters of interest to local iwi/hapū is highly fact specific. Being alert to such applications allows the Council to carefully select a commissioner who it considers will bring relevant expertise to the hearing but would not be conflicted.
19. Develop processes to identify and manage potential conflicts when appointing commissioners to hearings. The Council should engage with commissioners to assist them in identifying any conflicts of interest at the appointment stage. The Council could ask commissioners about any financial or property interests, relevant family ties (including whakapapa) and other roles they hold (such as directorships or trustee roles).

20. If the commissioner has an interest that it considers would not amount to a conflict but may still have the potential to create a perception of a conflict, like whakapapa, we suggest that the Council inform the other members of the panel and the parties and allow them to register any objections to the appointment. The Council would need to obtain the commissioner's permission to share the information first. If anyone objects, in general it would be safest if that commissioner is not appointed. If no one objects, the commissioner may be appointed. This allows any interests to be identified and handled transparently, thereby reducing risk.
21. Appoint a commissioner who the Council is confident will give fair and proper consideration to questions of bias/conflicts.

*Risk mitigation steps during the hearing:*

22. In the unfortunate event that a conflict of interest arises or becomes known during a hearing, the commissioner should immediately recuse themselves. The hearing may need to be recommenced, depending on what stage it has reached and the specific conflict.
23. If an interest arises or becomes known during a hearing that does not amount to a conflict, but is relevant to the hearing, it may be acceptable for the commissioner to inform the panel and the parties and allow them to register any objections. If anyone objects, the safest course of action is likely to be for the commissioner to recuse themselves. If no one objects, the commissioner may consider continuing in their role. For instance, this solution might be appropriate if the commissioner had a whakapapa connection that they were not aware of but became aware of during the hearing.



### Appendix – hypothetical examples of potential conflict of interest situations

#### Example one:

24. The hearing is for a water take application. One of the commissioners is a member of a hapū who is submitting against the application because they believe the water take will diminish the stream's flow, thereby affecting their own water take for their marae, and affect the mauri of the water source. The commissioner is a senior member of their hapū and is considered a leader of the marae. The commissioner has sat in on meetings where those leading the hapū submission discussed the submission and strategy for the hearing (amongst other topics).
25. We consider this would be a conflict of interest for several reasons. While one reason alone may not raise a conflict, cumulatively, they do. The relevant reasons are:
  - (a) The hearing is for an application that could directly affect the hapū with which the commissioner affiliates: the hapū submitters consider the application will affect them both culturally and in terms of resources.
  - (b) The connection is to a smaller grouping—a hapū rather than an iwi— this may mean the commissioner has more direct ties to those who are leading the hapū's submission.
  - (c) The commissioner is in a leadership role in the hapū. It could be expected that they might share the views expressed in the submission and potentially have discussed it with their hapū.
  - (d) The commissioner has been present while the submission and strategy have been discussed. While the commissioner may not have directly participated in developing the submission, perception is crucial, particularly in relation to apparent bias.

#### Example two:

26. The hearing is for a discharge to land application. One of the commissioners is a member of the wider iwi within whose rohe the application falls. However, the iwi is large with approximately 50,000 members and a significant rohe (in size). There are submitters on the application from the same iwi but from a different hapū to the commissioner. Further, the area to which the application applies is far outside the rohe of the commissioner's hapū. The application does not concern a shared resource for the iwi. The commissioner does not have a leadership role within the iwi.
27. We would not consider this to be a conflict of interest for the following reasons:
  - (a) Whakapapa or membership of an iwi/hapū alone is unlikely to raise conflict of interest issues. The iwi is large and therefore, the commissioner's interest is sufficiently similar to an interest in common with the general public.
  - (b) The commissioner does not hold a leadership role within the iwi. Therefore, there is not another specific role which might conflict with their role as a commissioner.
  - (c) The application has hapū submitters, however the hapū is located very far away from the commissioner's hapū's rohe and there is no indication that the

commissioner has any more involvement with the hapū than another member of the public.

28. However, it would be best practice for the commissioner to disclose their membership of the iwi so that the Council could contact the parties to see if there were any objections to appointing the commissioner. This provides greater transparency and allows parties to object before the hearing, thereby reducing any risk.

Example two, variation:

29. Assume all facts are the same as in example two, except a neighbouring iwi has submitted on the application, claiming that it is also within their rohe. Assume that the commissioner's iwi is currently in conflict with this neighbouring iwi over who has mana whenua status in that area.
30. We consider that this could be a conflict of interest because the commissioner would likely need to decide how much weight to afford each submission, which could involve some weighing of which iwi has mana whenua status. This would involve adjudicating on a matter of significant importance to the commissioner's own iwi.
31. Further, regardless of whether the commissioner can bring an open and impartial mind to the decision, other parties may not consider that the commissioner will be impartial. As noted above, perception is important in conflicts of interest.

Example three:

32. The hearing is for a discharge to air application for a poultry farm. One of the commissioners is a trustee of the trust that owns a neighbouring property. The trust is developing the property into an Airbnb/farm-stay. The trust has previously made multiple odour complaints to the Council and submitted on the application.
33. We consider that in this scenario there is likely to be a conflict of interest. The commissioner has a financial and property interest in whether or not the application is granted: If it is refused, they may have a more profitable Airbnb/farm-stay however, if it is approved, the discharges to air may affect the popularity of their business. This is a conflict.

Example four:

34. The hearing is for a water take application. One of the commissioners regularly takes eels for mahinga kai purposes.
35. We do not consider that this is a conflict of interest in and of itself. While the application might be relevant to eel habitat, and the commissioner likely supports a plentiful eel population, without any other factors being present, there is nothing to indicate that the taking of eels for mahinga kai will influence their decision as a commissioner.

Example four, variation:

36. Assume all facts are the same as in example four, except the commissioner has made several comments on social media that "any take of water from a river will be adverse on the eel habitat and the eel population and should never be granted".



37. We consider this variation would raise a conflict of interest. The commissioner has raised a firm view that is pre-determined. They are not bringing an open mind to the decision and are therefore conflicted.



Local tangata whenua Making Good Decisions qualified Hearings Commissioners

Name		Expiry Date
Hinewai Ormsby	HBRC Councillor	31 December 2022
Apiata Tapine	NCC Councillor	31 December 2023
Bonny Hatami	Ngāti Pahauwera Development Trust	31 December 2022
Brian Gregory	Tai Whenua o Tamatea	31 December 2021
Benita Wakefield	Maiora Wekepiri Consultancy	31 December 2021
Joinella Maihi-Carroll	Mana Ahuriri Trust	30 June 2023
Marei Apatu	Te Taiwhenua o Heretaunga	31 December 2022
Peter Eden	Tai Whenua o te Whanganui ā Orotū	31 December 2024
Tania Hopmans	Maungaharuru-Tangitū Trust	31 December 2022
Tania Huata-Kupa	Ngāti Pahauwera Development Trust	31 December 2022
Toro Waaka	Ngāti Pahauwera Development Trust	31 December 2024
<i>Outside the Region</i>		
Rauru Kirikiri	RK Associates Ltd	30 June 2023
Reginald Proffit	WSP	30 June 2025



**HAWKE'S BAY REGIONAL COUNCIL**  
**REGIONAL PLANNING COMMITTEE**  
**Wednesday 16 February 2022**

**Item 8**

**Subject: PROPOSED SCHEDULE OF 2022 COUNCIL AND COMMITTEE MEETINGS**

**Reason for Report**

1. This item proposes the schedule of meetings for Council and its committees for the upcoming year for the Committee's consideration and agreement.

**Officers Recommendation**

2. Staff recommend that the Committee agrees that the proposed schedule, subject to change as the tangata whenua governance model is further developed, is acceptable.

**Background**

3. The Regional Council traditionally adopts a Schedule of Meetings for the following year by October each year, incorporating:
  - 3.1. One Regional Council meeting scheduled on the last Wednesday of each month
  - 3.2. Environment & Integrated Catchments Committee (EICC) and Māori Committee scheduled every second month
  - 3.3. Regional Planning Committee schedule at six to eight week intervals
  - 3.4. Regional Transport Committee (RTC) meetings scheduled on a Friday, four times per year
  - 3.5. Finance, Audit & Risk Sub-committee (FARS) meetings scheduled quarterly, to align with Risk and Audit reporting timeframes
  - 3.6. Corporate & Strategic Committee meetings scheduled quarterly, after FARS meetings and aligned with organisational performance (including financial) reporting timeframes
  - 3.7. HB CDEM Group Joint Committee meetings coordinated to occur on the same day as Regional Leaders' Forum meetings, three to four times per year
  - 3.8. Clifton to Tangoio Coastal Hazards Strategy Joint Committee meetings scheduled approximately every eight weeks
  - 3.9. Timeframes for Annual Plan and Annual Report development, consultation and Audit.
4. The proposed 2022 schedule of meetings (attached) has been developed taking the following additional factors into consideration.
  - 4.1. With the exception of CDEM, RTC and Joint Committee meetings, all meetings to be held on a Wednesday
  - 4.2. One week of each school holiday period is kept free of meetings
  - 4.3. Keep the entire July school holidays free of meetings
  - 4.4. Audit NZ constraints and Annual Report adoption deadlines extended by Central Government as a result of Covid-19.

**Discussion**

5. The meeting schedule proposed today will be subject to amendment in relation to discussions at recent Strategic Governance workshops about potential changes to the way Tangata Whenua are involved in Council decision making processes.

6. If the result of further discussions and planning is to have regular All Governors hui or workshops throughout the year, staff will amend the schedule to have less frequent formal Regional Planning Committee and Māori Committee meetings. Staff will await further detailed development of the new 'model' prior to making any amendments (e.g. cancelling any formal meetings, or replacing any formal meetings with workshops or hui).

### **Next Steps**

7. Tangata whenua and All Governors hui will be scheduled to facilitate discussions and development of a new 'partnership' governance model over the next 2-3 months. Following those hui staff will amend the schedule of meetings as necessary to implement the new ways of working through decision making processes and present that schedule for Council adoption and agreement of tangata whenua.

### **Decision Making Process**

8. 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:
  - 8.1. The Council is required to (LGA sch.7 cl.19(1)) hold the meetings that are necessary for the good government of its region.
  - 8.2. Adoption of a schedule of meetings is specifically provided for under Schedule 7, Part 1, Section 21.
9. Given the provisions above, the Māori Committee can exercise its discretion and make these decisions without consulting directly with the community or others having an interest in the decision.

### **Recommendations**

That the Māori Committee:

1. Receives and notes the "Proposed Schedule of 2022 Council and Committee Meetings" staff report.
2. Agrees that the Committee can exercise its discretion and make this decision without consulting directly with the community or others having an interest in the decision
3. Accepts the 2022 Schedule of Meetings as proposed, subject to change and to agreement with the Regional Planning Committee, and advises the Regional Council accordingly.

### **Authored by:**

**Leeanne Hooper**  
**TEAM LEADER GOVERNANCE**

### **Approved by:**

**Pieri Munro**  
**TE POU WHAKARAE**

### **Attachment/s**

- 1  Proposed 2022 Meeting Schedule as at 25 Jan 2022

## Proposed 2022 Meetings Schedule as at 25 January 2022

	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	
SAT	1									1			SAT
SUN	2				1					2			SUN
MON	3 NY hol				2 BWP			1		3 X			MON
TUE	4 NY hol	1	1		3			2		4 X	1		TUE
WED	5	2 Māori	2 FARS		4 FARS	1 C&S		3 All Governors hui		5 X	2 Council Induction		WED
THU	6	3	3		5	2		4	1	6 X	3	1	THU
FRI	7	4	4	1	6	3 Coast	1	5	2	7 X	4	2	FRI
SAT	8	5	5	2	7	4	2	6	3	8 Election Day	5	3	SAT
SUN	9	6 Waitangi Day	6	3	8	5	3	7	4	9	6	4	SUN
MON	10	7 Waitangi obs	7 Reg Collab	4	9	6 Queen's Bday	4 Reg Collab	8	5	10 X	7	5	MON
TUE	11	8	8	5	10	7	5	9	6	11 X	8	6	TUE
WED	12	9	9 EICC	6 Māori	11 EICC	8 Māori	6 EICC	10 FARS	7 Māori	12 X	9 Council 1st ord	7 C&S	WED
THU	13	10 BWP	10 BWP	7	12	9	7	11	8	13 X	10	8	THU
FRI	14	11	11 Transport	8 Coast	13	10 Transport	8	12	9 Transport	14 X	11	9	FRI
SAT	15	12	12	9	14	11	9	13	10	15	12	10	SAT
SUN	16	13	13	10	15	12	10	14	11	16	13	11	SUN
MON	17	14	14	11 BWP	16	13	11 X	15	12	17	14	12	MON
TUE	18	15	15	12	17	14	12 X	16	13	18	15	13	TUE
WED	19	16 Planning	16 C&S	13 Planning	18 BWP Hear/Delibs	15 Planning	13 X	17 Reserve Day	14 Planning	19	16	14 Council	WED
THU	20	17	17	14	19 BWP Hear/Delibs	16	14 X	18	15	20	17	15	THU
FRI	21	18	18	15 Good Friday	20	17	15 X	19	16	21 HB Ann Day	18	16	FRI
SAT	22	19	19	16	21	18	16	20	17	22	19	17	SAT
SUN	23	20	20	17	22	19	17	21	18	23	20	18	SUN
MON	24	21	21	18 Easter Monday	23 CDEM CEG	20	18 X	22	19	24 Labour Day	21 Reg Collab	19	MON
TUE	25	22 Coast	22	19 X	24	21	19 X	23	20	25	22	20	TUE
WED	26 Council	23 AP w/s + Council	23 All Governors hui	20 X	25 Council	22 All Governors hui	20 X	24 C&S	21 EICC	26 Council inaug	23 Planning	21	WED
THU	27	24	24	21 X	26	23	21 X	25	22	27	24	22	THU
FRI	28	25	25	22 X	27	24 Matariki	22 X	26	23 Coast	28	25 Transport	23	FRI
SAT	29	26	26	23	28	25	23	27	24	29	26	24	SAT
SUN	30	27	27	24	29	26	24	28	25	30	27	25	SUN
MON	31	28 CDEM CEG	28 CDEMG JC	25 Anzac Day	30	27 CDEMG JC	25 CDEM CEG	29 CDEMG JC	26	31 CDEM CEG	28 CDEMG JC	26 Xmas hol	MON
TUE			29	26	31	28	26	30	27		29	27 Boxing Day hol	TUE
WED			30 Council	27 Council		29 Council AP	27 Council	31 Council	28 Council		30 Council (21-22AR)	28	WED
THU			31	28		30	28		29			29	THU
FRI				29			29 Coast		30			30	FRI
SAT				30			30					31	SAT
SUN							31						SUN
	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	

Key: red, italicised print = tentative; blue print = extra info

Council - Hawke's Bay Regional Council

Planning - Regional Planning Committee

CDEMG JC - HB Civil Defence Emergency Management Group Joint Committee

Transport - Regional Transport Committee

FARS - Finance Audit &amp; Risk Sub-committee

C&amp;S - Corporate &amp; Strategic Committee

EICC - Environment &amp; Integrated Catchments Committee

Tenders Tenders Committee (scheduled as required)

Hearings Hearings Committee (scheduled as required)

Māori Māori Committee (10am)

TW Hui RPC Tangata Whenua reps hui (10am)

CDEM CEG CDEM Coordinating Executive Group (CEs only)

W/S Workshop

FT Field trip

## School Holidays

All Governors hui All HBRC councillors &amp; taiwhenua/PSGE reps

(D)AP (Draft) Annual Plan

(D)AR (Draft) Annual Report

DLS Daylight Savings

Fin Financials

CD Consultation Document

StrPIn Strategic Plan





**HAWKE'S BAY REGIONAL COUNCIL**  
**REGIONAL PLANNING COMMITTEE**  
**Wednesday 16 February 2022**

**Item 9**

**Subject: POLICY PROJECTS UPDATE**

**Reason for Report**

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

**Resource management policy project update**

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

**Decision Making Process**

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

**Recommendation**

That the Regional Planning Committee receives and notes the *Policy Projects Update* staff report.

**Authored by:**

**Anne Bradbury**  
**TEAM LEADER - POLICY AND PLANNING**

**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  February 2022 RMA projects Update



Status Report on HBRC Resource Management Plan Change Preparation & Review Projects (as at 28 January 2022)

Updates are in purple underlined text

Project	Narrative update	Next intended reporting to RPC
<u>'PC7' Outstanding waterbodies plan change</u>	<ol style="list-style-type: none"> <li>Publicly notified on 31 August 2019. 41 submissions were received, 19 further submissions.</li> <li>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.</li> <li>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 <a href="https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/Decision-of-the-Independent-Hearing-Panel-PC7.pdf">https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/Decision-of-the-Independent-Hearing-Panel-PC7.pdf</a></li> <li>The following parties have lodged appeals with the Environment Court: <ol style="list-style-type: none"> <li>The Māori Trustee</li> <li>Royal Forest and Bird Protection Society of New Zealand Incorporated</li> <li>Te Taiwhenua o Heretaunga, Te Runanganui o Heretaunga, Te Manaaki Taiao o Heretaunga and Ngāti Kahungunu Iwi Incorporated</li> </ol> </li> <li>A copy of each of these appeals can be viewed here <a href="https://www.hbrc.govt.nz/hawkes-bay/projects/outstanding-water-bodies/">https://www.hbrc.govt.nz/hawkes-bay/projects/outstanding-water-bodies/</a></li> <li><u>The appeals have proceeded through the Environment Court's processes with the first mediation being held on the 27 October 2021.</u></li> <li><u>Council filed a reporting memorandum with the Environment Court on the 12 November 2021, advising on the progress of matters and requesting mediation dates for the first half of February 2022</u></li> <li><u>A hui was held on the 24 November 2021 with representatives of the Māori Trustees for Poukawa Moana to enable them to present evidence to staff in support of their appeal.</u></li> <li><u>Further mediation will take place the week commencing 24 February 2022 (date still to be determined).</u></li> <li><u>A further report date of the 14 March 2022 has been granted by the Court to enable further mediation to occur.</u></li> <li>The PC7 decision must be issued before 31 August 2021 (i.e. two years after public notification date).</li> </ol>	Updates from staff as and when new information becomes available.

Project	Narrative update	Next intended reporting to RPC
<a href="#">Mohaka Catchment Policy Development for Kotahi</a>	<p>12. Under preparation. Not yet notified.</p> <p>13. 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.</p> <p>14. Website updated with information gathered during initial community engagement pre-Christmas 2020 on catchment values and issues.</p> <p>15. Public meeting at Te Pohue 25 March 2021 to introduce wider community to the Mohaka catchment policy development work</p> <p>16. A wananga was held by NPDT in the Taupo on the 14-15 June 2021 as part of the Maori-led workstream.</p> <p>17. A verbal update was provided to the RPC 1 September 2021.</p> <p>18. <u>Last quarter of 2021 Ngāti Pahauwera and consultants continued work on the Māori-led workstream and agreed outputs. A further hui is planned for late January with the leaders rūpū to provide feedback and approve the pou work and some of the early TMOTW, values and long-term vision drafting. Once this has been through the rūpū approval process this will be shared more widely with HBRC staff and the RPC. Despite COVID disruptions this is running close to schedule.</u></p>	Update on catchment values work anticipated early 2022
<a href="#">'PC9' Greater Heretaunga/ Ahuriri catchment area plan change (aka TANK)</a>	<p>19. The TANK Plan Change was notified on 2 May 2020 and the submissions period closed on 14 August 2020.</p> <p>20. 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>21. 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: <a href="https://www.hbrc.govt.nz/hawkes-bay/projects/the-tank-plan/tank-submissions-and-hearings/">https://www.hbrc.govt.nz/hawkes-bay/projects/the-tank-plan/tank-submissions-and-hearings/</a></p> <p>22. 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>23. The hearings panel consists of Antoine Coffin (Chair), Dr Brent Cowie, Dr Greg Ryder, Dr Roger Maaka, and Rauru Kirikiri.</p> <p>24. Hearings commenced on the 24 May and ran for three weeks through June. The first three days of the hearing were held at Mangaroa Marae in response to requests from tāngata whenua.</p> <p>25. A further day of hearing was held on 27 September 2021. The further day was specifically about water quantity aspects of PPC9.</p> <p>26. 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>	Updates from staff as and when new information becomes available.

Project	Narrative update	Next intended reporting to RPC
Implementation of <a href="#">National Policy Statement on Urban Development 2020</a> (NPS-UD)	<p>27. 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>28. 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>29. 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 2021. For HBRC, this was the Corporate and Strategic Committee meeting on 17 November 2021.</p> <p>30. 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>31. 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 <a href="#">Heretaunga Plains Urban Development Strategy</a>).</p>	Updates from staff as and when new information becomes available.
Ngaruroro and Clive Rivers Water Conservation Order	<p>32. 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>33. Hearings were rescheduled and held during the week of 14 June 2021.</p> <p>34. HBRC staff will provide an update when the Court's decisions on the WCO is made available.</p> <p>35. For more information, see: <a href="https://www.epa.govt.nz/public-consultations/decided/water-conservation-order-ngaruroro-and-clive-rivers/">https://www.epa.govt.nz/public-consultations/decided/water-conservation-order-ngaruroro-and-clive-rivers/</a></p>	Updates from staff as and when new information becomes available.
<a href="#">Statutory Acknowledgements of Treaty settlements</a>	<p>36. 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 [<a href="#">website link</a>] 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: FEBRUARY 2022 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 "*February 2022 Statutory Advocacy Update*" staff report.

**Authored by:**

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**INTERMEDIATE POLICY PLANNER**

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**Attachment/s**

**1** [!\[\]\(0f848bbd71cef6b345273b16f905912a\_img.jpg\)](#) January 2022 Statutory Advocacy Update

## Statutory Advocacy Update (January 2022)

Note: updates since reporting for previous RPC meeting (6 October 2021) are provided in red text.

Table 1: National Proposals

Received	Proposal	Agency	Status	Current Situation
10 Jan 2022	<p><b>Draft National Environmental Standards for Sources of Human Drinking Water (NES-DW)</b></p> <p>The proposed amendments are seeking to ensure that there is adequate protection for sources of drinking water. Changes include how regional councils consider source waters during resource consent applications and in regional plan, changes to the way source water areas are defined, and the way we consider the effects various activities have on water sources.</p> <p><a href="https://consult.environment.govt.nz/freshwater/nas-drinking-water/">https://consult.environment.govt.nz/freshwater/nas-drinking-water/</a></p>	Ministry for the Environment	Consultation Closes 6 March 2022	Officers are reviewing the content of the NES.
10 Feb 2021	<p><b>Reforming the Resource Management System</b></p> <p>The Government plans to repeal the Resource Management Act 1991 (RMA) and replace it with three new pieces of legislation.</p> <p>The reform is based on the findings of the comprehensive review of the resource management system which were released last year (see to earlier proposal below).</p> <p><a href="https://www.mfe.govt.nz/rma/resource-management-system-reform">https://www.mfe.govt.nz/rma/resource-management-system-reform</a></p>	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>

Received	Proposal	Agency	Status	Current Situation
26 Nov 2019	<b>Draft National Policy Statement for Indigenous Biodiversity (NPS-IB)</b> The proposed NPS-IB sets out the objectives and policies to identify, protect, manage and restore indigenous biodiversity under the Resource Management Act 1991. <a href="https://www.mfe.govt.nz/publications/biodiversity/draft-national-policy-statement-indigenous-biodiversity">https://www.mfe.govt.nz/publications/biodiversity/draft-national-policy-statement-indigenous-biodiversity</a>	Ministry for the Environment	Public feedback closed 14 March 2020. Anticipating exposure draft release ~ first half 2022	The MfE newsletter (December 2021) noted that decisions on the release of the National Policy Statement for Indigenous Biodiversity exposure draft will now be made available in the first half of 2022.  Previously- anticipated release of 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.  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 <a href="#">HBRC Submissions</a> ..
14 Aug 2019	<b>National Policy Statement – Highly Productive Land (NPS-HPL)</b> MPI and MfE have prepared a draft NPS to improve the way highly productive land is managed under the RMA. <a href="https://www.mpi.govt.nz/news-and-resources/consultations/proposed-national-policy-statement-for-highly-productive-land/">https://www.mpi.govt.nz/news-and-resources/consultations/proposed-national-policy-statement-for-highly-productive-land/</a>	Ministry for Primary Industries	Public feedback closed 10 October 2019. Anticipating announcement by Minister ~late 2021	Previously, in October 2019 HBRC, NCC, HDC and CHBDC made a joint submission which can be found at <a href="#">HBRC Submissions</a> .

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 <a href="#">HBRC Submissions</a> .  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 <a href="#">here</a> and the HBRC submission to the Spatial picture can be found <a href="#">here</a> .  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 <a href="https://www.napier.govt.nz/our-council/plans-strategies-reports/napiers-district-plan/district-plan-review/">https://www.napier.govt.nz/our-council/plans-strategies-reports/napiers-district-plan/district-plan-review/</a>

Received	TLA	Proposal	Applicant/ Agency	Status	Current Situation
28 May 2021	CHBDC	<b>Central Hawke's Bay District Plan Review</b> CHBDC have undertaken a full review of the District Plan. A new proposed district plan was publicly notified on 28 <sup>th</sup> May 2021.	Central Hawke's Bay District Council	Submissions closed 6 Aug 2021 <b>Hearing Pending</b> <b>Anticipate commencement March 2022</b>	Previously... <ul style="list-style-type: none"> <li>• CHBDC issued a newsletter early January 2022 stating that they received 123 submissions spanning a wide range of issues and approximately 2500 submission points. A total of 29 Further Submissions were received following the notification of the Summary of Submissions in October.</li> <li>• A submission was lodged on 6 August. A copy of HBRC's submission can be found at <a href="#">HBRC Submissions</a>.</li> <li>• Planning staff currently reviewing relevant sections of recently released proposed district plan. Written comments still to be confirmed.</li> <li>• Previously, feedback had been provided on earlier discussion documents. A copy of HBRC's earlier feedback can be found at HBRC Submissions.</li> </ul>
18 Jan 2016	WDC	<b>Resource Consent Application</b> Consent is sought to clear 248 hectares of Manuka and Kanuka on Part Umumanfo 2 Block on Kopuawhara Road, Mahia.	<b>Applicant</b> R & L Thompson <b>Agent</b> Insight Gisborne Ltd	Limited Notified WDC hearing pending	Previously... <ul style="list-style-type: none"> <li>• 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 <a href="#">HBRC Submissions</a>.</li> <li>• HBRC staff and applicants have held discussions about potential alternative clearance proposals.</li> </ul>



Received	TLA	Proposal	Applicant/ Agency	Status	Current Situation
8 Nov 2013	HDC	<b>Proposed Hastings District Plan</b> 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	Previously... <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> </ul>

Table 3: Other Proposals

Received	Proposal	Agency	Status	Current Situation
9 Dec 2017	<b>HB Fish and Game Council's Draft Sports Fish and Game Management Plan</b> 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 <a href="#">HBRC Submissions</a> .

Received	Proposal	Agency	Status	Current Situation
24 July 2017	<b>Application for Water Conservation Order (WCO)</b> 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"> <li>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.</li> <li>Hearings were rescheduled and held during the week of the 14 June 2021.</li> <li>HBRC staff will provide an update when the Court's decisions on the WCO are made available.</li> </ul> <p>For more information, see: <a href="https://www.epa.govt.nz/public-consultations/decided/water-conservation-order-ngaruroro-and-clive-rivers/">https://www.epa.govt.nz/public-consultations/decided/water-conservation-order-ngaruroro-and-clive-rivers/</a></p>
Various	Marine and Coastal Area (Takutai Moana) Act 2011	Applicants Ngāti Pāhauwera Development Trust, Maungaharuru Tangitū Trust, Ngai Tāhū O Mohaka Waikare, Ngati Parau Hapu (Waiohiki Marae Board of Trustees)	Decision released 22 December 2021	<ul style="list-style-type: none"> <li>Decision circulated late last year</li> <li>Court has scheduled a "Stage 2 hearing" for 23 May 2022 to consider final form of orders.</li> <li>Decision can be found here <a href="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/20211222-Re-Ngati-Pahauwera.pdf">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/20211222-Re-Ngati-Pahauwera.pdf</a></li> </ul>
Various	Marine and Coastal Area (Takutai Moana) Act 2011	Applicants Catherine and Clarkson	Decision released 30 July 2021	<ul style="list-style-type: none"> <li>At time of writing no information had been received regarding converting existing application to a PCR application in regards to karengo gathering.</li> <li>The decision can be found here <a href="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">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</a></li> </ul>

**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 6.

Item	Topic	Raised by
1.		
2.		
3.		