

MINUTES OF A 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

Present: Cr R Barker – Co-chair
A Tapine – *Tātau Tātau o Te Wairoa Trust* – Co-chair
Cr W Foley – Deputy Co-chair
A Hiha – *Mana Ahuriri Trust* Deputy Co-chair
K Brown – *Te Kopere o te Iwi Hineuru (via Zoom)*
Cr C Foss
T Hopmans – *Maungaharuru Tangitū Trust (via Zoom)*
L Kele – *Heretaunga Tamatea Settlement Trust*
N Kirikiri – *Te Toi Kura O Waikaremoana (via Zoom)*
Cr N Kirton *(via Zoom)*
Cr C Lambert
M Mohi – *Ngati Tuwharetoa Hapu Forum*
Cr H Ormsby
K Ropiha – *Heretaunga Tamatea Settlement Trust*
Cr J Taylor
T Thornton – *Ngati Pahauwera Development & Tiaki Trusts*
Cr J van Beek
Cr M Williams

In Attendance: J Palmer – Chief Executive
P Munro – Te Pou Whakarae Māori Partnerships
K Brunton – Group Manager Policy & Regulation
C Edmonds – Manager Policy & Planning
R Ellison – Independent Tangata Whenua Advisor *(via Zoom)*
G Ide –Principal Advisor Strategic Planning
M Miller – Manager Consents
A Roets – Governance Advisor

1. Welcome/Karakia /Apologies/Notices

The Chair, Cr Rick Barker welcomed everyone and Pieri Munro, Te Pou Whakarae, opened with a karakia, acknowledging the passing of Joella Brown and Peter Paku late last year. The group joined in singing Pū Rākau waiata.

The Chair acknowledged Liz Munroe for her contributions to the Regional Planning Committee its work programme, and welcomed the new Co-chair Apiata Tapine and Deputy Co-chair Allana Hiha.

4. Welcome to newly Appointed Tangata Whenua Representatives

Apiata Tapine invited the new members to introduce themselves.

Theresa Thornton represents Ngati Pahauwera Development & Tiaki Trusts, replacing Tania Huata.

Keri Ropiha and Laura-Margaret Kele represent Heretaunga Tamatea Settlement Trust, replacing Liz Munroe and Peter Paku.

2. Conflict of Interest Declarations

Cr Martin Williams declared an interest, as a Resource Management Practitioner, in relation to Item 10 – February 2022 Statutory Advocacy Update, specifically the Marine and Coast Area (Takutai Moana) Act 2011 and Water Conservation Order proceedings.

No conflicts of interest were declared.

3. Confirmation of Minutes of the Regional Planning Committee meeting held on 20 October 2021

RPC1/22 Resolution

Minutes of the Regional Planning Committee held on Wednesday, 20 October 2021, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

Tapine/Ormsby
CARRIED

5. Follow-ups from previous Regional Planning Committee meetings

Pieri Munro introduced the item and noted, in relation to PSGE agreement to the updated RPC Terms of Reference agreed by the Committee in October 2019, that PSGEs still need to provide their agreement in writing and that the Māori Partnerships Team will be seeking assistance from those PSGE's appointees to facilitate getting responses as soon as possible.

RPC2/22 Resolution

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

Williams/Foley
CARRIED

6. Call for Minor Items not on the Agenda

No items were raised.

7. Tangata Whenua Hearing Panel Commissioners' Conflicts of Interest Management

Katrina Brunton introduced the item, which originated from the Hearings Committee and has also been considered by the Māori Committee. Discussions traversed:

- Lack of experienced local Hearings Panel commissioners due to infrequent consent application Hearings
- A member of an iwi/hapū or who has whakapapa to parties involved in a Hearing process will not necessarily have a conflict of interest; conflicts will arise due to direct involvement in application or submission processes
- A clear framework is set to ensure HBRC is as inclusive as possible in terms of Mana whenua involvement in hearing panels while ensuring conflicts of interest are managed appropriately
- Basic conflict of interest principles apply, supported by legal advice
- Tāngata whenua identified a number of points and will work closely with staff to bolster the framework to include tāngata whenua feedback. Discussion at the 2 March 2022 Hearings Committee will consider the feedback from today and from the Māori Committee.
- The Māori Partnerships team has been working alongside staff to develop the framework and this item.
- Opportunities to undertake the “Makings Good decisions” course and the renewal training will be distributed to the Committee members.
- A schedule of work anticipated for the Hearings Committee over the next 12 months will be presented on 2 March 2022
- Conflicts of interest in relation to relationship (or partnership) agreements between iwi and local authorities are included in the process of setting up those agreements and managed as a matter of course.
- Responsibility for declaring a conflict of interest rests on the individual themselves and is not a matter for the Council to declare. Council is, however, required to have a Register of Interests on record for all of its Governors.
- The Māori Partnerships team will continue to work with the Policy and Planning team to grow capacity to enable more tāngata whenua representation on hearing panels.

RPC3/22 **Resolutions**

That the Regional Planning Committee:

1. Receives and considers the ‘*Tāngata 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, incorporating the feedback provided by Committee members today.

**Foss/Taylor
CARRIED**

8. Proposed Schedule of 2022 Council and Committee meetings

Pieri Munro introduced the item, which was taken as read.

- Note – the “All Governors” meetings include the Māori Committee and Regional Planning Committee tangata whenua members, reflective of the proposed new “partnership” decision-making model
- The next All Governors hui is scheduled on 23 March 2022.

RPC4/22 **Resolutions**

That the Regional Planning 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 Māori Committee, and advises the Regional Council accordingly.

Ormsby/Tapine
CARRIED

9. Policy Projects update

Ceri Edmonds introduced the item which was taken as read. Discussions noted:

- New information are highlighted in red
- PC7 Outstanding Waterbodies Plan Change is currently in mediation, with a further mediation meeting scheduled next week.

RPC5/22 **Resolution**

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

Hiha/van Beek
CARRIED

10. February 2022 Statutory Advocacy update

The item was taken as read and discussions noted:

- Current consultation on the Draft National Environmental Standards for Sources of Human Drinking Water (NES-DW) closes on 6 March 2022. Key points are how regional councils consider source waters during resource consent applications and in the regional plan, changes to the way source water areas are defined, and the way the effects of various activities on water sources are considered.
- Draft National Policy Statement for Indigenous Biodiversity highlighted in the MfE newsletter (Dec 2021) noted that decisions on the release of the exposure draft will now be made available in the first half of 2022.
- Central Hawke’s Bay District Plan Review hearings are anticipated to commence in March 2022. The Committee will be updated on the outcome following the hearings
- Marine and Coastal Area (Takutai Moana) Act 2011 – Decisions were released on 22 December 2021 and appeals have been lodged against the decisions by all parties involved.

RPC6/22 **Resolution**

That the Regional Planning Committee receives and notes the *“February 2022 Statutory Advocacy Update”* staff report.

Thornton/Ropiha
CARRIED

11. Verbal Update on the Central Government Programme of Reforms

Gavin Ide provided an overview of the various Government reforms affecting local government and tabled a diagram prepared by Department of Internal Affairs (available at

<https://www.lgnz.co.nz/assets/PDFs/Central-government-reforms-impacting-on-local-government.pdf?vid=4>).

Discussion focussed on:

- Timing of the Government's Resource Management system reforms, including when the three new Bills that will replace the RMA will come into effect.
- Importance of upholding intent of the Planning Committee Act 2015 in the new system
- Staff from across Council have been involved in discussions with Government officials throughout the development of the new legislation.

RPC7/22 **Resolution**

That the Regional Planning Committee receives and notes the "Update on the Central Government Programme of Reforms" verbal report and presentation.

**Kele/Ormsby
CARRIED**

12. Discussion of Minor Matters not on the Agenda

No items raised for discussion.

Pieri Munro closed the meeting with a karakia.

Closure:

There being no further business the Chairman declared the meeting closed at 11.30am on Wednesday, 16 February 2022.

Signed as a true and correct record.

DATE:

CHAIRMAN: