

Meeting of the Regional Planning Committee

Date: 15 February 2023
Time: 1.30pm
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Agenda

Item	Title	Page
1.	Welcome/Karakia/ Apologies	
2.	Conflict of Interest Declarations	
Decision Items		
3.	Regional Planning Committee Tangata Whenua representation on Council's committees	3
4.	Freshwater Management Units	15
Information or Performance Monitoring		
5.	Verbal update on Central Government reforms	
6.	January 2023 Policy Projects update	99
7.	January 2023 Statutory Advocacy update	103

Parking

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

Regional Planning Committee Members

Name	Represents
Karauna Brown	Te Kopere o te Iwi Hineuru
Tania Hopmans	Maungaharuru-Tangitu Trust
Theresa Thornton	Ngati Pahauwera Development and Tiaki Trusts
Nicky Kirikiri	Te Toi Kura o Waikaremoana
Tania Eden	Mana Ahuriri Trust
Mike Mohi	Ngati Tuwharetoa Hapu Forum
Laura-Margaret Kele	Heretaunga Tamatea Settlement Trust
Keri Ropiha	Heretaunga Tamatea Settlement Trust
Apiata Tapine	Tātau Tātau o Te Wairoa
Will Foley	Hawke's Bay Regional Council
Xan Harding	Hawke's Bay Regional Council
Thompson Hokianga	Hawke's Bay Regional Council
Charles Lambert	Hawke's Bay Regional Council
Jock Mackintosh	Hawke's Bay Regional Council
Hinewai Ormsby	Hawke's Bay Regional Council
Di Roadley	Hawke's Bay Regional Council
Martin Williams	Hawke's Bay Regional Council
Jerf van Beek	Hawke's Bay Regional Council

Total number of members = 18

Quorum and Voting Entitlements Under the Current Terms of Reference

Quorum (clause (i))

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

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

Voting Entitlement (clause (j))

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

Number of Committee members present

18
17
16
15
14

Number required for 80% support

14
14
13
12
11

Subject: Regional Planning Committee Tangata Whenua representation on Council's committees

Reason for Report

1. This item provides the means for the Regional Planning Committee to nominate tangata whenua members for appointment to Council's standing committees to represent tangata whenua views and provide feedback on the issues considered by those committees.

Executive Summary

2. The Regional Council invites the Committee to nominate PSGE appointed members of the Regional Planning Committee as members of:
 - 2.1. the Environment and Integrated Catchments Committee (1)
 - 2.2. the Corporate and Strategic Committee (1).
3. Statute does not allow for the provision of a voting appointment to the Regional Council; however a representative, usually the RPC's PSGE appointed Co-chair, with full speaking rights is normally appointed to attend Council meetings.
4. For the first time, a Climate Action Joint Committee is being established by the five Hawke' Bay councils. On 25 January 2023, HBRC adopted the Terms of Reference and appointed the Joint Committee subject to the approval of the other four member councils.
 - 4.1. The Regional Planning Committee is invited to appoint up to two members and one alternate to represent the PSGE appointed members of Committee as set out in the Terms of Reference for the Joint Committee.
 - 4.2. Chair Hinewai Ormsby and Cr Xan Harding are the appointed members from HBRC with Cr Di Roadley as the alternate.
5. The Terms of Reference for the above committees are attached to aide members in considering whether they wish to express interest in representing the PSGE appointed members of Committee on a particular committee.

Financial and Resource Implications

6. The remuneration for tangata whenua representatives' attendance at meetings other than the Regional Planning Committee is currently \$450 per meeting plus associated travel costs, paid upon submission of a Travel Claim form.
7. This is considered to be fair and reasonable and is the same remuneration paid to Māori Committee representatives performing the same roles. This per meeting remuneration is in addition to the remuneration paid for the role of tangata whenua Regional Planning Committee member, currently \$13,750 per annum.
8. This remuneration is within the budgets provided in the Māori Partnerships cost centre.

Decision Making Process

9. 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:
 - 9.1. The decision does not significantly alter the service provision or affect a strategic asset.

- 9.2. The use of the special consultative procedure is not prescribed by legislation.
- 9.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
- 9.4. The decision is not inconsistent with an existing policy or plan, and is within Council's purview in accordance with:
 - 9.4.1. LGA s81(1) A local authority must (a) establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority, and (b) consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority.
- 9.5. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

Recommendations

That Hawke's Bay Regional Council:

1. Receives and considers the *Regional Planning Committee Tangata Whenua representation on Council's committees* 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 Council can exercise its discretion and make decisions on this issue without conferring directly with the community.
3. Nominates the following representatives for appointment:
 - 3.1. _____ as a member of the Corporate and Strategic Committee
 - 3.2. _____ as a member of the Environment and Integrated Catchments Committee
 - 3.3. _____ and _____ as members of the Climate Action Joint Committee, and _____ as alternate.
4. The Regional Planning Committee recommends that Hawke's Bay Regional Council confirms:
 - 4.1. the appointments to the Corporate and Strategic, Environment and Integrated Catchments and Regional Transport committees and the Climate Action Joint Committee as detailed in 3. above.
 - 4.2. The appointment of the Regional Planning Committee Co-chair, Tania Hopmans, to the Regional Council with full speaking rights.

Authored by:

Desiree Cull
Strategy & Governance Manager

Leeanne Hooper
Team Leader Governance

Approved by:

Pieri Munro
Te Pou Whakarae

Attachment/s

- [**1** ↓](#) 2022-25 Corporate & Strategic Committee Terms of Reference
- [**2** ↓](#) 2022-25 Environment & Integrated Catchments Committee Terms of Reference
- [**3** ↓](#) Climate Action Joint Committee Terms of Reference

Corporate and Strategic Committee Terms of Reference



Adopted by resolution of Hawke's Bay Regional Council on 16 November 2022

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

Members:	All councillors being: Hinewai Ormsby, Jerf van Beek, Martin Williams, Neil Kirton, Thompson Hokianga, Charles Lambert, Di Roadley, Sophie Siers, Will Foley, Xan Harding and Jock Mackintosh One appointed member of the Māori Committee being _____ One appointed Tangata Whenua member of the Regional Planning Committee being _____
Chair:	A councillor as elected by the Council, being Neil Kirton
Deputy Chair:	A councillor as elected by the Council, being Xan Harding
Meeting Frequency:	Quarterly
Staff Executive:	Chief Executive Group Manager Corporate Services Group Manager Policy & Regulation



Environment and Integrated Catchments Committee

Terms of Reference

Adopted by resolution of Hawke's Bay Regional Council on 16 November 2022

The purpose of the Environment and Integrated Catchments Committee (EICC) is to consider and recommend to Council:

Policy

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

Environmental Monitoring and Research

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

Implementation

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

Financial Authority

- 3.5 consideration of possible financial implications of specific initiatives.

Use of Delegated Powers for the Environment & Integrated Catchments Committee

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

Members:	<ul style="list-style-type: none">• All Councillors being: Hinewai Ormsby, Will Foley, Neil Kirton, Charles Lambert, Jerf van Beek, Martin Williams, Sophie Siers, Di Roadley, Thompson Hokianga, Jock Mackintosh• One appointed member of the Māori Committee, TBC• One appointed member of the Regional Planning Committee, TBC
Chair:	A member of the Committee as elected by the Council being: Councillor Sophie Siers
Deputy Chair:	A member of the Committee as elected by the Council being: Councillor Di Roadley
Meeting Frequency:	Quarterly
Staff Executive:	Group Manager Integrated Catchment Management Group Manager Asset Management

Terms of Reference for the Climate Action Joint Committee

As adopted by resolution of:

Hawke's Bay Regional Council, 25 January 2023

Central Hawke's Bay District Council, ...2023

Hastings District Council, ... 2023

Napier City Council, ... 2023

Wairoa District Council, ... 2023

1. Name and status of Joint Committee

- 1.1. The Joint Committee shall be known as the Climate Action Joint Committee.
- 1.2. The Joint Committee is a joint committee under clause 30(1)(b) of Schedule 7 of the Act.

2. Purpose

- 2.1. Climate mitigation and adaptation is core business for councils. It spans multiple council workstreams such as urban planning, land-use and resource management, transport, flood protection, coastal hazards and emergency management. Without duplicating effort, the purpose of the Joint Committee is to support a joined-up, coordinated and collaborative response to address the complex challenge of transitioning to a climate resilient future for the communities of Hawke's Bay.
- 2.2. The focus of the Joint Committee will be promoting action to mitigate climate change (emissions reductions and offsetting) and adapt to changing regional climate.
- 2.3. The Climate Action Joint Committee aims to support resilient communities and industries to thrive within boundaries of our natural environment.

3. Objectives

- 3.1. Oversee and guide the development and implementation of a Regional Emissions Reduction Plan including recommending actions for partner councils to include in their Long Term Plans.
- 3.2. Oversee and guide the development and implementation of a spatial Regional Climate Risk Assessment to deliver on responsibilities under the National Adaptation Plan to:
 - 3.2.1. Reduce vulnerability to the impacts of climate change
 - 3.2.2. Enhance adaptive capacity and consider climate change in decisions at all levels
 - 3.2.3. Strengthen resilience.
- 3.3. Support compliance with the statutory requirement to "have regard to" the National Emissions Reduction Plan and the National Adaptation Plan in all RMA-related plans of partner councils.
- 3.4. Inform planning to drive climate-resilient development in the right locations within the Future Development Strategy required under the National Policy Statement on Urban Development, and the Regional Spatial Strategy and regional combined plan proposed under the Spatial Planning and Natural and Built Environments legislation.
- 3.5. Facilitate collaboration to increase and monitor the delivery of increased levels of service for key infrastructure impacted by climate change on respective councils.

4. Membership

- 4.1. Up to two elected members from the Hawke's Bay Regional Council; being the Chair and one other elected member, and one alternate.
- 4.2. Up to two elected members from each Territorial Authority within the Hawke's Bay region; preferably the Mayor and one other elected member, and one alternate.
- 4.3. Up to two members and one alternate appointed to represent the Post [Treaty] Settlement Governance Entity (PSGE) representatives on the HBRC Regional Planning Committee¹.
- 4.4. Up to two members and one alternate appointed to represent the Ngāti Kahungunu Taiwhenua and NKII Board representatives on the HBRC Māori Committee².
- 4.5. Under clause 30A(6) Schedule 7 of the Act, the power to discharge any member on the Joint Committee and appoint his or her replacement shall be exercisable only by the body that appointed the member.

5. Chairperson and Deputy Chairperson

- 5.1. The Chairperson of the Joint Committee will be the Chair of the Hawke's Bay Regional Council.
- 5.2. At the first meeting of the Joint Committee the members shall elect a Deputy Chairperson.
- 5.3. The mandate of the Chairperson and Deputy Chairperson ends if that person, through resignation or otherwise, ceases to be a member of the Joint Committee.

6. Delegated authority

The Joint Committee has delegated responsibilities for:

- 6.1. Guiding and monitoring climate mitigation and adaptation across the region with current and relevant technical inputs.
- 6.2. Leading regional emissions reduction plans including recommending actions to partner councils to include in their long term plans
- 6.3. Leading spatial regional climate risk assessments to deliver on responsibilities under the National Adaptation Plan
- 6.4. Setting targets, including interim goals, towards achieving carbon neutrality by 2050
- 6.5. Monitoring regional greenhouse gas emissions (community carbon footprint) on a regular basis and reporting annually on implementation of regional emissions reduction plans
- 6.6. Considering and recommending key emissions reduction actions to each of the partner councils and industry for consideration
- 6.7. Advocating for and/or advancing the objectives of regional climate action by submitting on and participating in processes, at the Joint Committee's discretion, including but not limited to:
 - 6.7.1. Council long term plans
 - 6.7.2. Council annual plans
 - 6.7.3. District and regional plan and policy changes
 - 6.7.4. Reserve management plans

¹ HBRC Regional Planning Committee is a co-governance committee composed of an equal number of elected councillors and appointees from each of the Post Settlement Governance Entities (PSGEs) within the HB Region.

² HBRC Māori Committee has 13 tangata whenua representatives, 3 from each of the Taiwhenua (and Wairoa Kahungunu Executive) within the Hawke's Bay regional boundary and 1 from the Ngāti Kahungunu Iwi Inc Board

- 6.7.5. Asset management plans
- 6.7.6. Notified resource consent applications
- 6.7.7. Central Government policy and legislation
- 6.7.8. Investigating and securing additional sources of funding to support regional decarbonisation, offsetting and protecting communities from the impact of climate change.
- 6.8. For the avoidance of doubt, the Joint Committee can only make recommendations to partner councils. Without legally binding subsequent council decisions, the partner councils agree to:
 - 6.8.1. Have particular regard to the recommendations of the Joint Committee in developing policies, determining priorities, and allocating resource;
 - 6.8.2. Progress, to the fullest possible extent, actions identified through joint planning and decision-making arrangements.

7. Powers not delegated

The following powers are not delegated to the Joint Committee:

- 7.1. Any power that cannot be delegated in accordance with clause 32 Schedule 7 of the Local Government Act 2002.
- 7.2. Decisions relating to the allocation of funding for undertaking investigations, studies and/or projects in climate adaptation, offsetting or climate mitigation and matters relating to consenting.

8. Meetings

- 8.1. The Hawke's Bay Regional Council standing orders will be used to conduct Joint Committee meetings as if the Joint Committee were a local authority and the principal administrative officer (Chief Executive) of the Hawke's Bay Regional Council or his or her nominated representative were its principal administrative officer.
- 8.2. The Joint Committee shall hold meetings at such frequency, times and place(s) as required for the performance of the functions, duties and powers delegated under this Terms of Reference, at least three times per year.
- 8.3. Notice of meetings will be given as far in advance as possible to all Joint Committee members, and in accordance with the provisions of the Local Government Official Information and Meetings Act.
- 8.4. Meetings may provide for members' attendance by audio-visual link if required.
- 8.5. Members, or their confirmed alternates, will attend all Joint Committee meetings.
- 8.6. The quorum will consist of a majority of members.

9. Voting

- 9.1. In accordance with clause 32(4) Schedule 7 of Act, at meetings of the Joint Committee each member has full authority to vote and make decisions within the delegations of the Terms of Reference on behalf of the body that appointed them without further recourse to the appointing body.
- 9.2. Where voting is required, each member has one vote.
- 9.3. Best endeavours will be made to achieve decisions on a consensus basis.
- 9.4. The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, may use a casting vote.

10. Good faith

- 10.1. In the event of any circumstances arising that were unforeseen by the partner councils or their representatives at the time of adopting these Terms of Reference, the partner councils and their representatives hereby record their intention that they will negotiate in good faith to add to or vary these Terms of Reference so as to resolve the impact of those circumstances in the best interests collectively of the partner councils taking into account also the views of the Regional Planning Committee and Māori Committee appointed members in relation to those circumstances.

11. Remuneration

- 11.1. Each partner council shall be responsible for remunerating its representatives on the Joint Committee and for the costs of those persons' participation in the Joint Committee.
- 11.2. Hawke's Bay Regional Council as the Administering Authority shall be responsible for remunerating the Regional Planning Committee and Māori Committee representatives on the Joint Committee for travel and attendance as per its agreed meeting fees policy.

12. Technical Advisory Group and Reporting

- 12.1. A technical advisory group (TAG) will service the Climate Action Joint Committee.
- 12.2. The TAG will comprise of staff members from the partner councils who are working in climate mitigation and adaptation and will involve subject matter experts as required to ensure linkages with other workstreams, such as the work of the Regional Transport Committee and Napier-Hastings Future Development Strategy Joint Committee. The TAG will be led by the Hawke's Bay Regional Council Climate Action Ambassador along with the dedicated climate roles at Napier City Council and Hastings District Council.
- 12.3. Following each meeting of the Joint Committee, the TAG shall create a summary report of the business of the meeting which will be distributed, for information, to each partner council for inclusion in the agenda for the next available council meeting. Such reports will be in addition to any formal minutes prepared by the Administering Authority, which will be circulated to Joint Committee members.

13. Variations to the Terms of Reference

- 13.1. Any member may propose a variation, deletion or addition to the Terms of Reference by putting the wording of the proposed variation, deletion or addition to a meeting of the Joint Committee for recommending to the partner councils if agreed.
- 13.2. Amendments to the Terms of Reference must be agreed by all partner councils before taking effect.

14. Recommended for Adoption

- 14.1. The Climate Action Joint Committee, made up of the following members, confirms this Terms of Reference as adopted by the five partner councils and Regional Planning Committee and Māori Committee representative members.

Hawke's Bay Regional Council represented by:

Councillors Hinewai Ormsby and Xan Harding, and Di Roadley as alternate.

Councillor Hinewai Ormsby as Chairperson of the Climate Action Joint Committee

Appointed by HBRC resolution on 16 November 2022.

Central Hawke's Bay District Council represented by:

Councillors _____ and _____, and _____ as alternate.

Appointed by CHBDC resolution _____ 2023

Hastings District Council represented by:

Councillors _____ and _____, and _____ as alternate.

Appointed by HDC resolution _____ 2023

Napier City Council represented by:

Councillors _____ and _____, and _____ as alternate.

Appointed by NCC resolution _____ 2023

Wairoa District Council represented by:

Councillors _____ and _____, and _____ as alternate.

Appointed by WDC resolution _____ 2023

Regional Planning Committee representatives, _____ and _____, and _____ as alternate.

Appointed by RPC resolution on 15 February 2023.

HBRC Māori Committee representatives _____ and _____, and _____ as alternate.

Appointed by Māori Committee resolution on 8 February 2023.

Appendix A – Project Background

1. In 2022 HBRC, HDC, and NCC each invested in dedicated strategic climate change roles, an acknowledgement of the important leadership role councils can, and should, play in regional climate action.
2. There is a general acknowledgement that the transition to a low emissions future cannot be achieved by individual councils working in isolation and a regional approach is needed.
3. In 2022 the Ministry for Environment released Aotearoa's first Emissions Reduction Plan. A significant number of the actions in that plan involve Local Government.
4. In September 2022 the first Hawke's Bay Community Carbon Footprint was released, measuring greenhouse gas emissions from 2018/19 to 2020/21. Separate footprints were created for each Territorial Authority. The whole of region footprint established that our regional emissions for 2020/21 were made up of:
 - 4.1. Agriculture 67%
 - 4.2. Transportation 20%
 - 4.3. Stationary Energy 10%
 - 4.4. Waste 2%
 - 4.5. IPPU 1% (Industrial Processes and Product Use)
5. The next step for is to create a Regional Emissions Reduction Plan, with input from all Hawke's Bay councils, as well as significant engagement across expert, business, and community spheres.

Subject: Freshwater Management Units

Reason for Report

1. A decision is sought from the Regional Planning Committee (RPC) in the form of a recommendation to Hawke's Bay Regional Council, for adoption of the Freshwater Management Units (FMUs) detailed in this agenda item at the 22 February 2023 meeting.

Officers' Recommendations

2. Staff recommend that the Committee considers the information provided and adopts the FMUs as included in this paper.

Executive Summary

3. This paper reflects the korero around this kaupapa through the All Governors Forum, the related community engagement, and outlines Freshwater Management Units (FMUs) for the region. FMUs are the primary scale for reporting the associated freshwater accounting to Central Government and implementing the National Objectives Framework (NOF) as required by the National Policy Statement for Freshwater Management 2020 (NPS-FM2020).
4. Regional councils must develop long-term visions for freshwater in its region and include those as objectives in the Regional Policy Statement. Visions must be set for each FMU, part FMU or catchment level. Officers wish to work with All Governors to undertake this work now.
5. A decision on FMU boundaries is now required in order to progress the development of the Kotahi Plan and allow this work in the catchments and subsequent Plan drafting to occur.

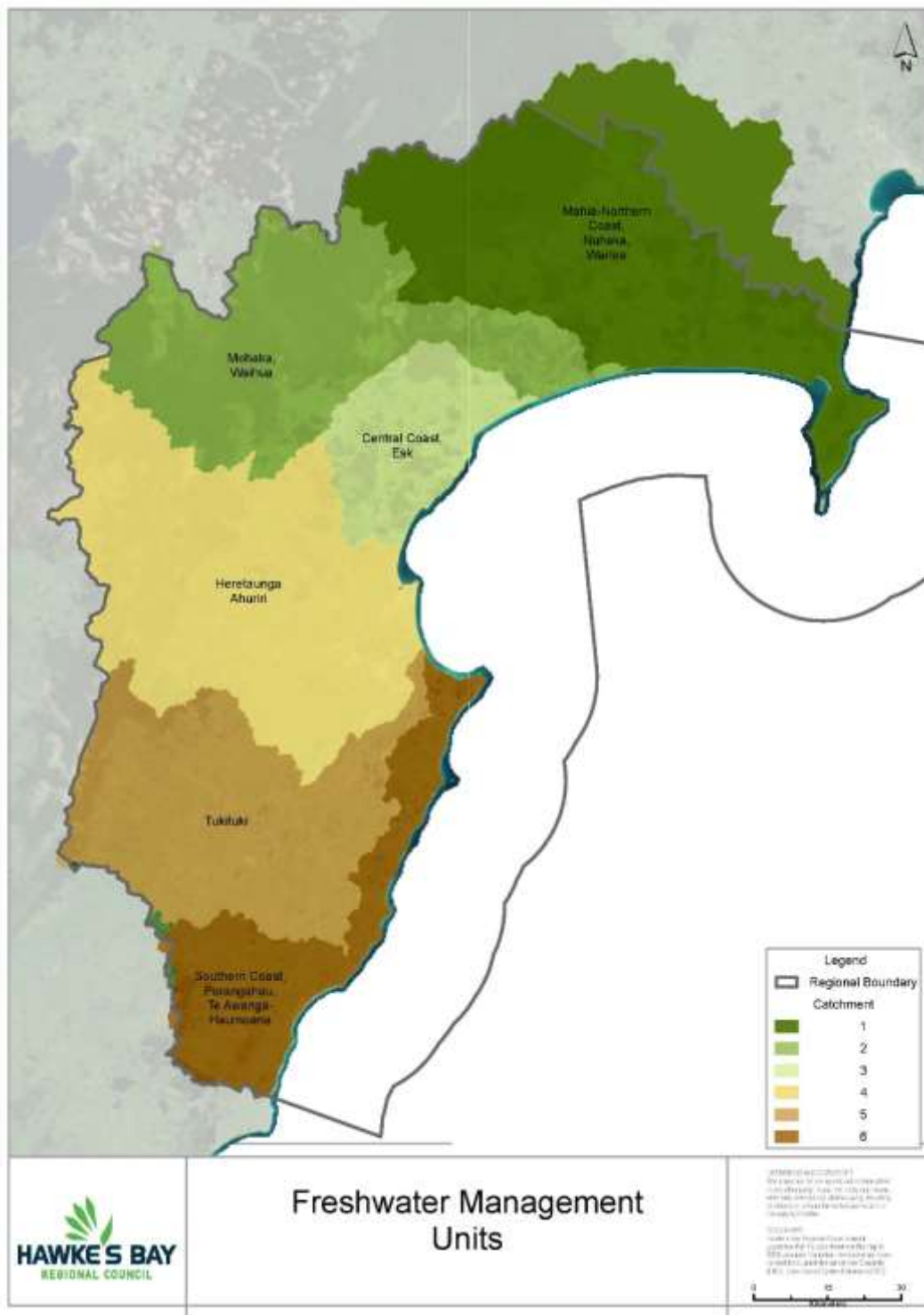
Background /Discussion

6. This paper follows on from previous discussions at the RPC workshop held on 14 April 2020, the RPC meeting held on 7 July 2021 and the RPC meeting held on 1 September 2021, all of which related to the creation of FMUs as required under the NPS-FM2020 and necessary for the Kotahi plan. The relevant papers and minutes are attached.
7. At the 1 September 2021 RPC meeting a resolution was passed to "*defer making a decision on Freshwater Management Units (FMU) boundaries, as recommended by the tangata whenua representatives, to allow staff and tangata whenua time to identify values within the catchments*".
8. Since this time staff have been working with All Governors at a catchment level and have also been engaging the community throughout the region at place. What is clear from the engagement is that both tāngata whenua and the wider community favour, relate to and understand the ki uta ki tai approach. People are connected to their wai at place, we have heard they have a multitude of reasons why they value their wai, and they want to know that they can influence the wai now and in the future and be part of how it is cared for and improved. This can only be done through a ki uta ki tai approach to managing the water and the activities on lands which impact the water. This approach also acknowledges that everyone has responsibility for the water at all reaches - not just those in proximity to those waterbodies which are less than healthy. These sentiments have been expressed strongly through our engagement to date with All Governors, tāngata whenua and the wider community, through their values over the past 18 months.

9. Further to this, feedback received through the All-Governors workshops and operational meetings with tangata whenua is that there is substantial identification of values through such processes as Treaty Settlements, OWB hearings, Iwi/Hapū Management Plans, Takutai Moana evidence and affidavits, etc. in existence. Staff have progressed an inventory of documented cultural values for each catchment, recognising that this does not form a full and complete assessment.
10. A decision is now required in order to progress the development of the Kotahi Plan and allow work in the catchments and subsequent plan drafting to occur.

Discussion

11. The NPS-FM2020 requires Hawke's Bay Regional Council (Council) to identify Freshwater Management Units for the region with every water body included in at least one FMU.
12. *Freshwater Management Units* is a term to describe a water body or water bodies, and their related catchments, that are used by the Regional Council as a unit for freshwater management and accounting purposes. FMUs are the primary scale for reporting the associated freshwater accounting to Central Government and implementing the National Objectives Framework (NOF).
13. While the FMUs are used to report freshwater accounting to Central Government as prescribed by the NPS-FM, the FMU delineation does not prevent a more other layers, such as sub FMUs or overlays being applied to managed at a smaller scale i.e., for mātauranga monitoring.
14. Opportunities for mātauranga monitoring are not restricted by the setting of FMUs and can be developed with tangata whenua at place in order to respond to the aspirations for their wai.
15. Sub-FMUs and overlays can be applied to FMUs in order to address specific values, needs, or management regimes where needed. This acknowledges that FMUs are only one of the available options for management and monitoring of freshwater in the Hawke's Bay region.
16. Rules are also able to be applied to specific waterways within an FMU to provide a targeted management approach and do not necessarily need to apply to the entirety of an FMU. An example of this could be specific rules for low land coastal streams within an FMU.
17. Engagement to date has provided the feedback that tangata whenua and communities are seeking a ki uta ki tai (mountain to sea) approach when dealing with issues in their catchments and that work should be undertaken in a manner that enables a whole of catchment approach.
18. The suggestion was made through TANK submissions to divide each biophysical catchment into three FMUs for the upper, middle, and lower spans of the catchment to reflect hapū boundaries. This approach would result in 33 FMUs. Not only would this require significant financial and staffing resources (as discussed in the *Financial and resource implications* section of this paper) but would not align with a ki uta ki tai approach mentioned previously. It is for these reasons that it is not recommended this approach is taken.
19. After undertaking community consultation, engaging with tangata whenua and working with the All Governors over the course of the last 18 months, a decision is sought on FMU boundaries for the region to progress work on Kotahi.
20. The following image outlines the recommended FMUs.



Options Assessment

21. A decision is now required to ensure the freshwater component of the Kotahi Plan is progressed and engagement can continue at place in the catchments to ensure 2024 statutory deadline is met.

Financial and Resource Implications

22. There are financial and resource implications in relation to the creation of FMUs. Approximate costs for the establishment of a FMU monitoring site is \$150,000 per FMU with ongoing costs of \$50,000 per site on the basis of a simple site with a small (no more than two) attributes to monitor monthly. The costs for sites will increase as more attributes are added and if higher sampling frequencies are required to assess compliance with targets/limits. Existing State of

the Environment monitoring sites will be used to form part of the monitoring for each FMU, additional sites may be needed, again depending on the attribute and the policy requirements. Note that sites generally cannot be started and stopped randomly and that the value of our current data sets comes from the stable long-term nature of the data. If sites are moved then costs increase further as we have to monitor both sites (the old and the new) for a period of time so that we understand the relationships between them and can hence use the older data sets.

23. Additional monitoring sites are not currently provided for in monitoring budgets and will need to be budgeted for in the 2024-2034 Long-term plan.
24. There are also resourcing implications in regard to staffing should the number of FMUs increase significantly from the recommendation included in this proposal. The current network is matched to the available staff resource. As the network expands we would need to recruit Resource Technicians to run the sites and collect the data, Resource Analysts to review, quality code/quality assure the data and then store it, and Scientists to turn the data into information via reporting.
25. Should the number of FMUs increase beyond what is proposed, this would also require additional Policy, Communications and Engagement, and Māori Partnerships staff to undertake engagement to develop the FMU chapters for Kotahi, as required by the NPS-FM 2020.

Decision Making Process

26. 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:
 - 26.1. This decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
 - 26.2. The use of the special consultative procedure is not prescribed by legislation.
 - 26.3. This decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy however will be subject to public consultation as part of the Kotahi Plan process.

Recommendations

That the Regional Planning Committee:

1. Receives and considers the *Freshwater Management Units* 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 Regional Planning Committee can exercise its discretion and make decisions on this issue without conferring directly with the community which will have the opportunity to engage with the Regional Council through the Kotahi Plan process.
3. Recommends that Hawke's Bay Regional Council adopts the six FMUs for the region as detailed in this report.

Authored by:

Nichola Nicholson
Team Leader Policy & Planning

Ceri Edmonds
Manager Policy & Planning

Approved by:

Katrina Brunton
Group Manager Policy & Regulation

Attachment/s

- 1 [↓](#) 7 July 2021 RPC Agenda
- 2 [↓](#) 7 July 2021 confirmed RPC Minutes
- 3 [↓](#) 14 September 2022 RPC Agenda
- 4 [↓](#) 14 September 2022 confirmed RPC Minutes



Meeting of the Regional Planning Committee

Date: Wednesday 7 July 2021
Time: 11.30am
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 10 March 2021	
4.	Follow-ups from Previous Regional Planning Committee Meetings	3
5.	Call for Minor Items Not on the Agenda	7
Decision Items		
6.	Freshwater Management Units	9
12.	Tangata Whenua Representative on Biodiversity Hawke's Bay Advisory Committee – Late item to follow	
Information or Performance Monitoring		
7.	Māori Engagement ahead of Public Consultation on Implementation and Execution of the Coastal Hazards Strategy	25
8.	July 2021 Policy Projects Update	31
9.	July 2021 Statutory Advocacy Update	35
10.	Discussion of Minor Matters Not on the Agenda	41
Decision Items (Public Excluded)		
11.	Confirmation of 10 March 2021 Public Excluded Minutes	43

Parking

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

Regional Planning Committee Members

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

Total number of members = 18

Quorum and Voting Entitlements Under the Current Terms of Reference

Quorum (clause (i))

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

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

Voting Entitlement (clause (j))

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

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

HAWKE'S BAY REGIONAL COUNCIL**REGIONAL PLANNING COMMITTEE****Wednesday 07 July 2021****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 [1](#) Followups for July 2021 RPC meeting

Followups for July 2021 RPC meeting

Attachment 1

Follow-ups from Previous Regional Planning Committee Meetings

Meeting on 10 March 2021

ref	Agenda Item	Action	Responsible	Status Comment
1	Resource Management Policy Projects March 2021 Update	Update Committee on the outcome and decisions of the Outstanding Water Bodies Plan Change 7 hearings	C Edmonds	Hearing held in December 2020. Three- person Panel of commissioners have been preparing report to issue decisions on behalf of Council. At time of writing, anticipating Panel's decisions on PC7 will be issued in late June. There is a 30 working day period for any submitter to file an appeal with the Environment Court.
2	March 2021 Statutory Advocacy Update	Update the Committee on the Water Conservation Order Hearings and whether a new date has been scheduled for the Hearings.	C Edmonds	WCO hearings scheduled to recommence week of 14 June 2021.
3	Minor Items not on the Agenda	Request from Ngati Pahauwera Development Trust for a meeting of all parties with flooding issues to meet to develop a co-management arrangement with scheme policies to mitigate flooding issues caused by blocked Pakuratahi awa mouth	C Dolley	Asset Management staff liaising with Ngati Pahauwera Development Trust directly.

Meeting on 14 October 2020

ref	Agenda Item	Action	Responsible	Status Comment
	Kotahi	Write a letter to Central Government about the significant commitment of resources required to achieve Freshwater Plan notification for all HB catchments by 31 December 2024.	P Munro /C Edmonds	Approach taken through the regional sector Māori Special Interest Group. Engaged with a Consultancy Group based in Wellington. A paper has been advanced and currently undergoing review. Will report back to June RPC meeting.

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

Wednesday 07 July 2021

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 10:

Topic	Raised by

**Leeanne Hooper
GOVERNANCE TEAM LEADER**

**James Palmer
CHIEF EXECUTIVE**

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

Wednesday 07 July 2021

Subject: FRESHWATER MANAGEMENT UNITS

Reason for Report

1. This paper follows on from previous discussions at the RPC workshop held on 14 April 2020 to present options for Freshwater Management Units (FMU's) for the region, for consideration and agreement by the Regional Planning Committee. It is intended that an 'in-principle' agreement will be made to provide an option for consultation with tāngata whenua and the community as well as providing a foundation for the development of Kotahi.
2. The National Policy Statement for Freshwater Management 2020 (NPSFM) requires Hawke's Bay Regional Council (Council) to identify Freshwater Management Units for the region, with every water body included in at least one FMU¹. These FMUs are the primary scale for implementing the National Objectives Framework (NOF) of the NPSFM (see Figure 1).

Officers' Recommendation(s)

3. While the NPSFM requires FMUs include every water body in the region to deliver the national objectives framework at the FMU or part of an FMU scale, there are many ways in which FMUs might be defined and delineated. As a principle, FMUs should be set at the largest scale that makes sense for cohesive whole-of-catchment freshwater management (ki uta ki tai), commensurate with the scale and significance of resource management issues. Sub-units and overlays can then be applied to address specific values or needs and management regimes where assessment shows this is necessary. This approach will reduce the complexity of the planning framework and provide an efficient and effective process that meets the requirements of the NPSFM.
4. On this basis, Option 1 which is discussed in detail in the body of this report is recommended by staff. This will result in six FMUs for the region. However, it should be noted that whilst this is the recommendation, all options presented in this paper meet the requirements of the NPSFM.

Executive Summary

1. The NPSFM2020 specifies that every regional council must identify FMUs for its region, and that every freshwater body (including rivers, lakes, wetlands and aquifers must be within at least one FMU
2. In this region, many freshwater bodies are connected via surface and groundwater, as well as by cultural and community connections. However, the FMUs are determined, there will be connections between FMUs, which must be properly considered during plan development. For example, FMU boundaries will not constrain the ability of tāngata whenua to express their values and interests across catchments, and these will be appropriately considered and reflected.
3. Before identifying FMU options and recommendations, consideration was given to how they must be applied. While FMUs form a key part of the freshwater management planning framework, they are not the only tool that will apply.
4. The following principles have been developed from the guidance provided in support of the NPSFM:

¹ NPSFM clause 3.8(1) and (2).

Item 6

- 4.1. FMUs should relate primarily to catchment boundaries of freshwater bodies, to achieve integrated management on a whole of catchment basis, ki uta ki tai (mountains to the sea)
- 4.2. FMUs should reflect the boundaries of co-governance bodies
- 4.3. Within an FMU, there may be more than one whole catchment, where they have common characteristics and issues, meaning a common management approach may be appropriate
- 4.4. The number of FMUs should achieve a balance between logistical/financial constraints and solutions tailored to local characteristics and values of specific freshwater bodies
- 4.5. FMUs should generally be set at the largest scale that may have a common objective and /or management approach
- 4.6. Other spatial units, such as parts of FMUs, overlays, and specific controls can also be applied where necessary to address specific values, issues or activities.

Background/Discussion

5. The NPSFM requires Council to divide the region into FMUs and to implement a National Objectives Framework (NOF) (see Figure 1) for each FMU, or part of an FMU (i.e. the FMU is the largest scale the NOF must be applied to, but smaller scales are also possible).
6. A freshwater management unit means all or any part of a water body or water bodies, and their related catchments, that a regional council determines is an appropriate unit for freshwater management and accounting purposes; with part of an FMU meaning any part of an FMU including, but not limited to, a specific site, river reach, water body, or part of a water body².
7. Two key changes to the NPSFM 2020 definition and application compared to the NPSFM 2014 (amended 2017) version are:
 - 7.1. An FMU now includes the related catchments of water bodies as well as water bodies themselves
 - 7.2. All steps of the NOF can be applied at the FMU, or part of an FMU (sub-FMU) scale. This makes the FMU the largest scale and provides flexibility to apply smaller scales where necessary.

² NPSFM, clause 1.4, page 6.

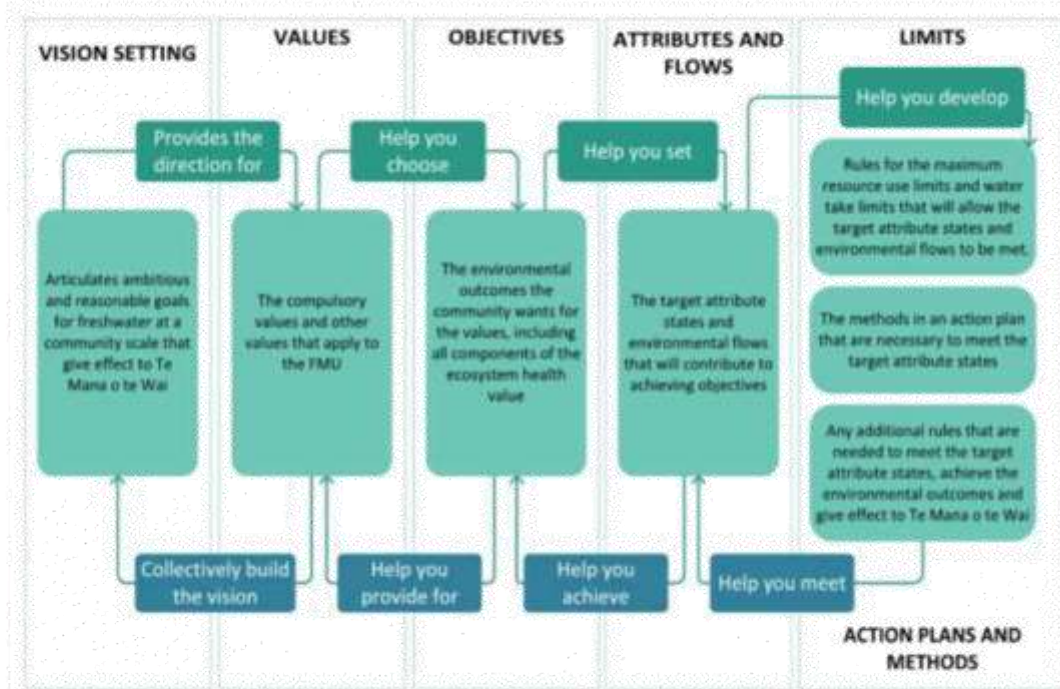


Figure 1: National Objectives Framework set out by the National Policy Statement for Freshwater Management 2020, sub-part 2

8. Council must identify FMUs for the region, and every freshwater body (including rivers, lakes, wetlands and aquifers) in the region must be within *at least one* FMU.
9. The nature of freshwater bodies and their catchments varies across the region. So do the values and uses they support, the tāngata whenua and community connections, and the resource management issues within them. Water bodies may also be interconnected with each other via ground and surface water, as well as via social and cultural connections. Setting FMUs involves creating a division between groups of water bodies on paper, for the purpose of setting freshwater management planning and reporting frameworks. Importantly the connections that exist (that do not form the basis for the FMU delineation) must still be recognised and their implications considered during the planning process. Furthermore, while FMUs will be a key part of the spatial framework for freshwater management in the region, they are not the only spatial layer that will be considered during plan development or applied in Kotahi. This paper presents draft FMU options for the region following the general direction discussed previously and explains other spatial layers that may form part of the freshwater management approach in Kotahi (paragraph 24).
10. FMU setting is needed early in the planning process, as other parts of the Kotahi structure and content “hang” from these. However, until that whole framework develops, the implications of the FMUs may not be fully understood. For this reason, FMUs should remain an in-principle decision but require a strong sense of direction from the RPC so that staff can then engage with tāngata whenua and the community.

How are FMU's used?

11. Under the NPSFM 2020, Council must apply the following at an FMU, or part of an FMU scale:
 - 11.1. Te Mana o te Wai hierarchy of obligations (when implementing the NOF)
 - 11.2. Identify compulsory values (and components of Ecosystem Health) that apply
 - 11.3. Identify Māori freshwater values

Item 6

- 11.4. May identify other values that apply including NPSFM Appendix 1B values
- 11.5. Set long-term visions (as objectives in Kotahi) expressing what tāngata whenua and communities want the FMU, part of the FMU or catchment to be like in the future
- 11.6. Identify an environmental outcome for every value
- 11.7. Include environmental outcomes as an objective, or multiple objectives in Kotahi
- 11.8. Use all compulsory attributes that apply, and other attributes (or assessment criteria) for values – identify baseline and current state
- 11.9. Prepare action plans (where necessary)
- 11.10. Set environmental flows, levels and take limits
- 11.11. Identify methods for monitoring progress towards achieving target attributes states and environmental outcomes
- 11.12. Identify sites to be used for monitoring, outstanding waterbodies, primary contact sites, natural inland wetlands, and the location of habitats of threatened species within each FMU
- 11.13. Monitor at sites that are either or both (a) representative of the FMU or relevant part of the FMU (b) representative of one or more primary contact sites in the FMU
- 11.14. Take action to halt or reverse degradation
- 11.15. Operate and maintain a freshwater quality and a freshwater quantity accounting system, at a level of detail commensurate with the significance of the water quality or quantity issues
- 11.16. Assess and report current state of attributes compared with target attribute states (TAS), and whether TAS and environmental outcomes are being achieved; when they are likely to be achieved and likely causes of any degradation. Describe pressures and cumulative effect of multiple changes across multiple sites and attributes.

Other Regional Council Approaches

- 12. There is no single approach to delineating FMUs. Across New Zealand, different approaches and rationale have been taken and the resulting number of FMUs varies markedly. Furthermore, several regional councils are considering their approach now, and discussions between councils continues.
- 13. While most FMUs identified to date are based on freshwater body catchment boundaries, some are set at the whole catchment scale, and some at sub-catchment scale. For example, Waikato Region Council has identified eight FMUs in the Waikato and Waipa River catchments. If they use a similar approach across the rest of the region it may result in more than 20 FMUs for the region. Otago Regional Council has eight large FMUs. Canterbury Regional Council has ten large zones with multiple units within each, some of which are called FMUs. Similarly, Gisborne divides large catchments into multiple freshwater management units (sub-catchments), each with some distinct values and uses. Southland Regional Council has just five FMUs, with multiple sub-units. Northland Regional Council appears to have set default region wide measurable water quality standards for classes of water bodies, which they have called their Freshwater Management Units. It is unclear whether these were derived in a way that is compliant with the values-based approach set in the NPSFM 2020.
- 14. The latest amendments to the NPSFM enable implementation of the National Objectives Framework at an FMU or *part of an FMU* scale. This enables Council to identify the FMU at a largest common scale at which objectives and other steps can be applied, but to also be applied at smaller units if necessary. The new requirement to set a vision for each FMU or part of an FMU within a Regional Policy Statement may drive a more

strategic approach, given the Regional Policy Statement generally addresses matters of regional significance.

Principles/Criteria

15. There is no single way to define FMUs. However, the following principles have been drawn from the NPSFM and guidance material:
 - 15.1. **FMU boundaries should relate primarily to catchment boundaries of freshwater bodies**, rather than to social or cultural boundaries, so as to achieve integrated freshwater management on a whole of catchment basis, ki uta ki tai (mountains to the sea)³. Thus, the whole surface water catchment of one (or more) sensitive receiving environment/s (lakes, estuaries, harbours) would be included within one FMU. In Hawke's Bay we have clearly defined catchments that are well known and understood by a large proportion of our community.
 - 15.2. **FMUs should reflect the catchment boundaries of co-governance bodies**. Co-governance bodies and river documents established under treaty settlement legislation have a legislated role in setting direction for freshwater management, which must be responded to during RMA plan making. There are a number of Treaty Settlement documents for the region, and it is hoped that the co-governance of the RPC provides direction in respect of the appropriateness of the FMU delineation.
 - 15.3. **Within an FMU, there may be more than one whole catchment**, where they have characteristics (e.g., biophysical, social and cultural values, land and water use) in common, and the scale and nature of resource management issues is sufficiently similar, such that a common objective and/or management approach may be appropriate. Options in respect of the FMU boundaries are discussed in more detail in this paper.
 - 15.4. **The number of FMUs should achieve a balance between Kotahi/administrative simplicity and bespoke solutions**. It is desirable to have an efficient, clear and uncomplicated regulatory, monitoring and reporting freshwater management framework. On the other hand, a more tailored approach might respond to locally specific characteristics of freshwater bodies, their catchments, and specific values held by tāngata whenua and communities. It should be noted that costs for establishing a monitoring site to meet FMU requirements is approximately \$100,000 per site, plus ongoing resourcing, and staff costs. Options for delineation are discussed further in this paper.
 - 15.5. **FMUs should generally be set at the largest scale** that may have a common objective and /or management approach to achieve consistency and reduce repetition in Kotahi. This is also a specific consideration for tāngata whenua, as the cultural values which are to be monitored will require input from tāngata whenua and likely to have resourcing implications (time, people, capability).
 - 15.6. **Other spatial units** such as parts of FMUs (henceforth called sub-FMUs), overlays, and specific controls can also be applied within FMUs to deliver specific objectives, policies, rules and/or methods, where necessary to address specific values, issues or activities.
16. Note that groundwater extents differ from surface water catchments but can be managed in alignment with surface water catchment boundaries. Thus, groundwater bodies lying beneath each FMU can be considered to be "in" the FMU, i.e., the requirement for every water body in the region to be located within at least one FMU is met.

Current state, baseline state, target attribute state and monitoring

17. While there are monitoring sites in most major rivers and lakes, we do not have them for all small-medium rivers draining to the sea or to lakes. Council's science team will need

³ As directed by NPSFM Policy 3 and clause 3.5(1).

Item 6

to consider how representative current monitoring sites within each FMU are of the water bodies within that FMU. For example, a site in the lower reaches can be used to monitor state of water quality in the catchment resulting from all (cumulative) inputs from catchment land and water uses, and total catchment contaminant loads, but may not represent the state of tributaries in the upper part of a catchment, or forested parts of the catchment, and it may not indicate sources of contaminants (which might require further monitoring or modelling upstream). Furthermore, the state of some attributes (e.g., sediment or periphyton) in one tributary may differ from another with similar land and water use, due to different geology or slope.

18. No single monitoring site will be representative of all things, and it is not feasible to monitor all aspects of an FMU. Some rationalisation and monitoring will be needed, and models will be used to estimate what is happening across whole catchments and FMUs. Larger scale FMUs provide more flexibility to work through and develop appropriate monitoring plans within each FMU.

Relationship between FMU's and groundwater

19. Within each FMU, the hydrogeological units present (beneath) will be identified. Groundwater use and protection overlays, with objectives and take limits can be set to manage the effects of groundwater take and use on groundwater levels, saline intrusion, and base-flow in to surface water bodies. Likewise, land use and discharges can be managed to address effects on groundwater and surface water quality. This enables groundwater management to be linked with land and water use, and surface water objectives within each FMU.
20. Establishing separate groundwater FMUs was considered, but this approach would be unnecessarily complex, because:
 - 20.1. Each FMU would require a chapter in Kotahi to comply with National Planning Standards
 - 20.2. For each FMU, a vision must be set in Kotahi, based on community values and uses. Given this is highly likely to be closely tied to the vision for surface water values, it makes little sense to set strategic visions for each hydrogeological unit. Instead, any groundwater related aspect can be integrated with the visions for the FMUs.

FMU's – one part of the spatial puzzle

21. FMUs form a key spatial delineation for freshwater management, but they are not the only spatial unit that will be used in Kotahi for freshwater management. Sub-FMUs (part of an FMU), overlays and special controls could be used for different purposes, to achieve effective and efficient sustainable management of fresh water. This enables specific objectives, policies and methods to be set where needed to protect particular special values or manage a particular group of activities and effects. The need for specific areas and provisions will need to be weighed against the additional implementation complexity.
22. As a general principle, objectives, policies, limits, rules and methods will be applied at the largest scale relevant and should not be repeated at a smaller or more specific scale. Those that apply to a sub-FMU or overlay will be set to address particular values, activities or effects. Some potential examples are listed in Table 2⁴.

⁴ The National Planning Standards enable regional plans to include freshwater management units, catchments areas, overlays and special controls, but not zones.

Table 2: Other potential spatial units that may be applied in Kotahi in addition to FMUs

Potential Spatial Units	Examples that could be used in Kotahi – concept only, for the purpose of illustrating how multiple spatial layers can apply
Sub-FMUs (i.e., part of an FMUs)	
Generally, a sub-FMU defined by physical catchment boundaries of a water body or part of a water body.	Tributaries or small streams within an FMU where specific values justify a specific objective and Target Attribute States that are different from the rest of the FMU. e.g., <i>small coastal streams</i> within the Wairoa FMU could be a sub-FMU. e.g., Lake Tutira could be a sub-FMUs.
Management or Protection Overlays	
Distinct areas mapped and defined, in order to manage specific effects, activities or uses, or to protect specific values. Enables creation of a bundle of activities considered generally appropriate or inappropriate, or a series of constraints or enabling provisions in each area. Could cross multiple FMUs or could lie within one.	<p>Protection overlays, where a particular value or use is to be protected or specifically provided for, e.g., drinking water supply area, high mahinga kai value area, groundwater recharge areas, natural state areas, threatened species protection, whitebait spawning, riparian margins, significant cultural value, etc....</p> <p>Examples:</p> <ul style="list-style-type: none"> • <i>Outstanding water bodies</i> overlay – protection objectives and policies • <i>Threatened species habitat</i> overlay – protection objectives and policies <p>Activity management controls/overlays. Specific objectives, policies and rules may apply to activities in these areas to address a range of effects that are particular to those areas.</p> <p>Examples:</p> <ul style="list-style-type: none"> • <i>Lowland drainage areas</i> - focus on managing effects of land use and drain management (across multiple FMUs). Restore more natural morphology and habitat. Actively manage rural land use contaminants, active drain management. Acknowledge a level of loss of ecological health as a result land drainage and use is long term, but avoid making it worse and improve over time. • <i>Natural state overlays</i> – upper catchment permanently forested headwaters where water and land use might be controlled to maintain near natural state ecological health as a priority over other uses (across multiple FMUs). • <i>Urban controls</i> - focus on managing heavy metals and other urban contaminants, stormwater discharges, hydrological effects of imperviousness. Objectives would need to acknowledge a level of loss of ecological health as a result of urbanisation is long term but avoid making it worse and work towards improving over time. <p>Allocation catchments/areas: <i>Surface water allocation</i> catchments, <i>groundwater allocation</i> areas, <i>nutrient allocation</i> catchments or areas – where a particular take limit and environmental flow/level applies, and allocation status is accounted for and reported.</p>

Risks and mitigations

Table 3: Risk and Mitigations below, looks at a number of delineations options and considers the risks and mitigations associated with different options

	Risk	Mitigation
Large and fewer FMUs	FMUs are relatively large, and objectives may not sufficiently pick up the key distinctions, issues and management responses needed at a local level.	The NPSFM 2020 clearly enables HBRC to apply the NOF to an FMU or any part of an FMU, so sub-units can be set if it becomes clear they are needed. There be a clear explanation of what are the implications for Tāngata whenua. As the NPSFM program unfolds sub-units can be applied within FMUs, and overlays across the region, where appropriate.
Small and greater number of FMUs	FMUs may be too small and result in repetitive provisions in Kotahi, and excessive monitoring, reporting and accounting requirements that don't reflect the scale or significance of the freshwater management issues. Another risk is that, with too many FMU's, we fail to deliver by the 2024 deadline.	The preferred option is to set bigger FMUs and assign sub-units if it becomes apparent that more specific provisions are needed to address specific freshwater management issues.
FMUs chosen for specific (single) values rather than multiple representative values	Desire for a more detailed level of specific provision for interest areas, e.g., a small sub-catchment or reach could create a level of detail sought through monitoring that goes above and beyond the requirements of the NPSFM – potential risks in terms of resourcing (time and people), and costs associated with this that are unable to be met. Unlikely to be representative of the wider area.	Consider the scale and significance of the values and issues in the small area/sub-catchment compared to the rest of the FMU and across the region. Assess whether very specific monitoring, reporting objectives, and methods (including regulation) are appropriate. An alternative is to support local community led monitoring and action, develop localised action plans where appropriate. Ensure any data we have can be collated at a site level, not just at a whole of FMU level.

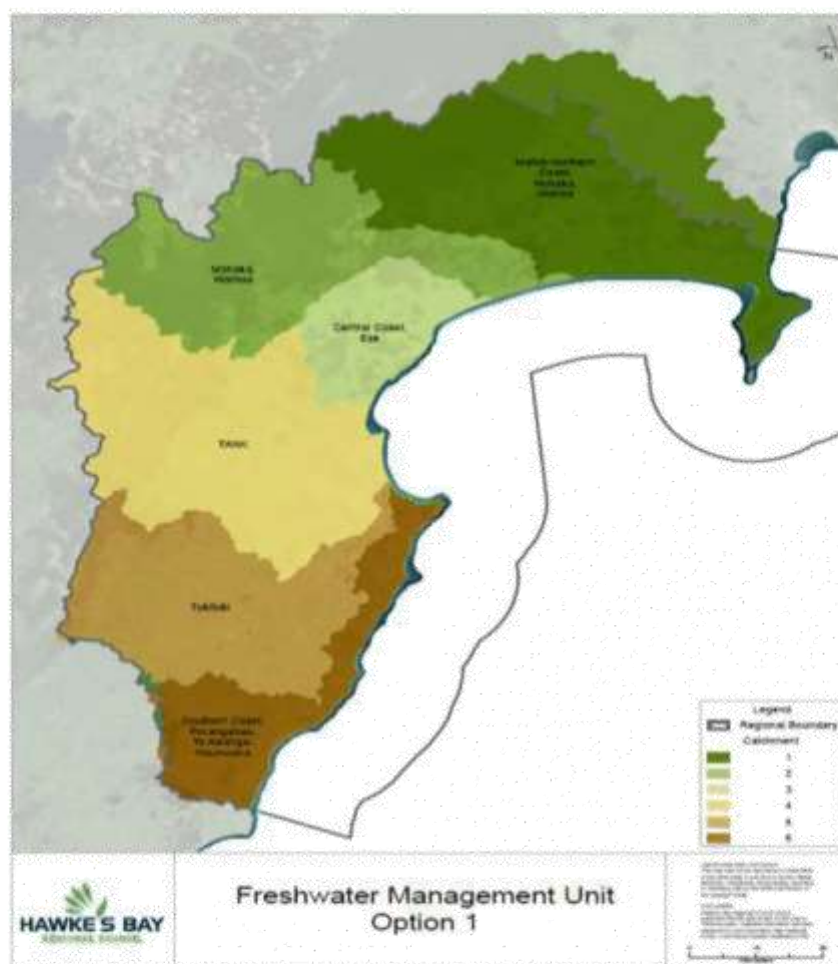
Options Assessment

23. Three catchment-based options for FMUs have been summarised and assessed. In all cases:
 - 23.1. Collaboration with iwi and hapū can and will be focussed on all of the water bodies they have an interest in, whether they are in one FMU or multiple. Their cohesive input, in accordance with their whakapapa and heritage will need to be considered and reflected appropriately in each relevant FMU. Ideally, collaboration between iwi and hapū with interests in an FMU will result in commonly agreed advice regarding vision, values and objectives for FMUs and sub-FMUs
 - 23.2. Council is able to apply vision, values, objectives, limits and methods to any part of an FMU (as well as at the FMU scale) where this is found to be appropriate after exploring values, objectives and management requirements with tāngata whenua, stakeholders and the community

- 23.3. Connections between each FMU, coastal receiving environments, and groundwater hydrogeological groups must be identified and considered⁵.
- 23.4. The boundaries in the TANK catchments could be amended to include the lower Clive river in the Ngaruroro catchment as indicated by the red line in the attached image.
- 23.5. Although the catchment areas to the north of the region which are outside of the Hawke's Bay Region are shown on the maps, they would not be included in the FMU's or the management of such (the maps show the catchments in their entirety) and the FMU's would follow the regional boundaries as shown by the grey line on the maps.
24. Other options that are not catchment based are not recommended as they do not appear to be appropriate in light of NPSFM policy direction to achieve integrated freshwater management, on a whole of catchment basis, ki uta ki tai⁶.

Option One

25. Option One follows the principle of setting the FMU's at the largest practical scale that have a common objective or management approach. The image below shows the proposed FMU's where similar catchments are grouped together to form a set of six FMU's. Notably the TANK catchments are grouped together in one FMU.



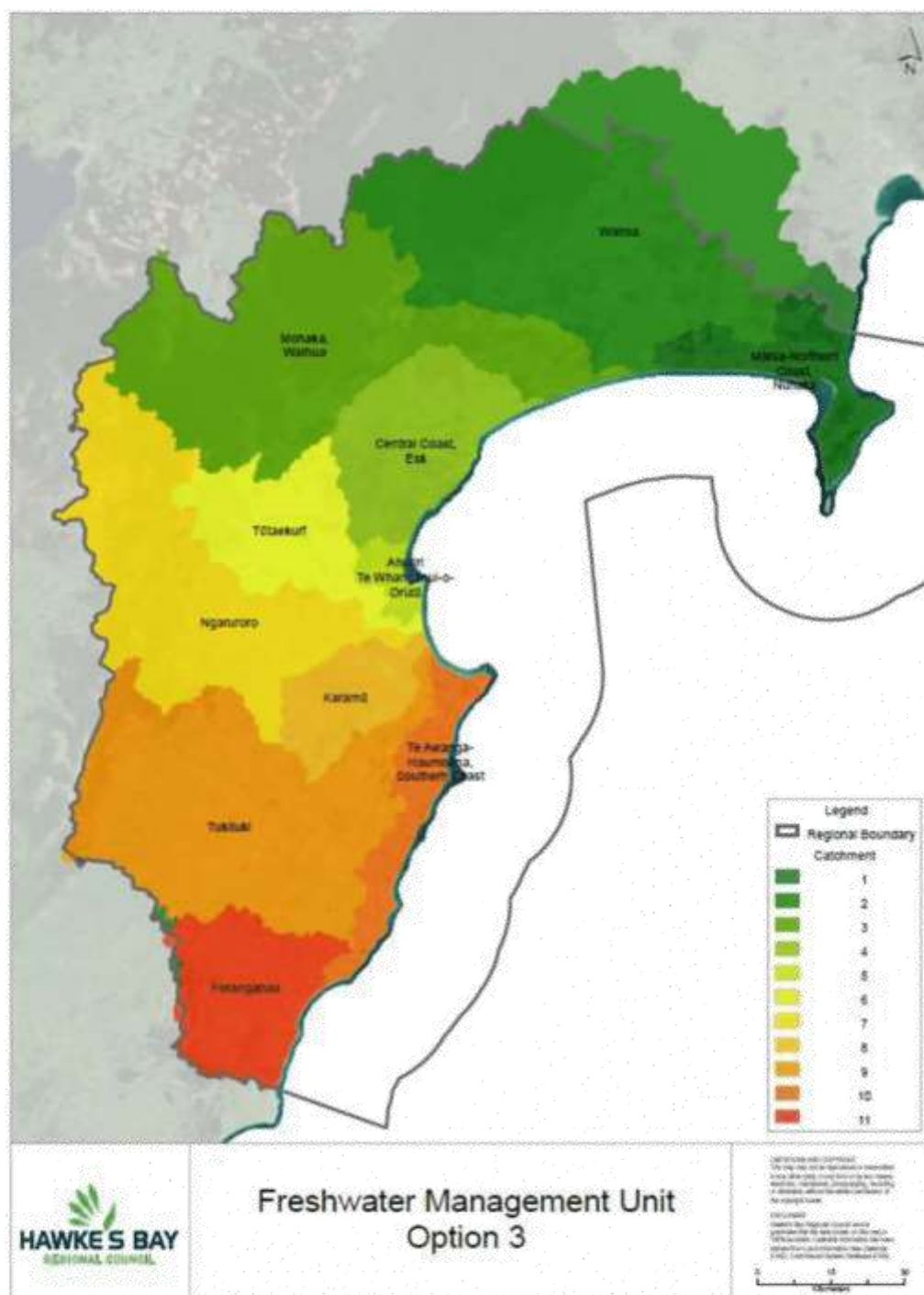
⁵ NPSFM, clause 3.5(1)

⁶ Particularly NPSFM Policy 3 and clause 3.5.

Item 6

Option Two

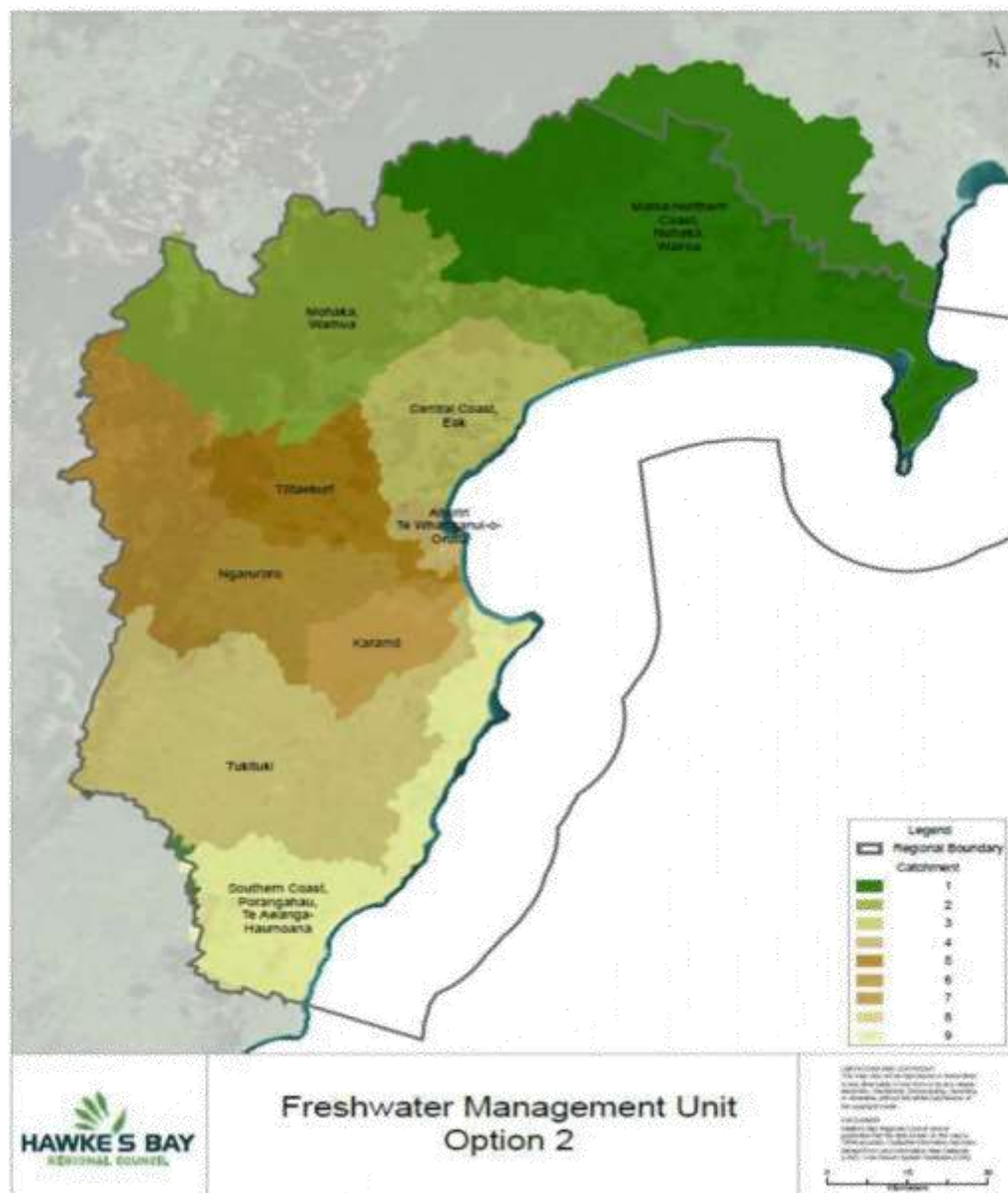
26. Option Two follows the principle of setting FMUs in relation to catchment boundaries of freshwater bodies, achieving integrated management on a whole of catchment basis, ki uta ki tai (mountains to sea) as directed by NPSFM Policy 3 and clause 3.5(1). The image below shows the proposed FMUs based on catchment boundaries, with a total of 11 FMU's. The TANK catchments are split into four distinct FMUs.



Option Three

27. Option Three is a hybrid of both Option One and Two, with the TANK catchments split into distinct FMUs while Wairoa and Northern Coast catchments are combined as one FMU and Pōrangahau and Southern Coast catchment are combined into a single FMU also, resulting in nine FMUs in total.

Item 6



28. The three options outlined above are compared in Table 4 below.

Table 4: Options for delineating surface FMU's

FMU Options	Description	Advantages	Disadvantages
Option 1: FMUs set at the largest possible scale 6 FMUs	The FMU's would be set at the largest possible scale with the Tūtaekurī, Ngaruroro, Karamū, and Ahuriri catchments continuing to be clustered together under one FMU (TANK)	<ul style="list-style-type: none"> Reasonably familiar to the public. Generally, include whole catchments, ki uta ki tai (with TANK combining multiple whole catchments). Those FMU's that include just one large river catchment would have a clear vision, set of objectives and policies at the whole of catchment scale, and there would be flexibility to set specific provisions for parts of FMUs to address any specific values or activities where necessary. Where different receiving environments exist within an FMU, these could be addressed in the Kotahi as parts of the FMU (i.e., sub-FMUs). 	<ul style="list-style-type: none"> Some FMUs have multiple catchments that are quite different and unlikely to have common objectives, so there is not a clear reason to combine them, e.g., the Karamū is different to the other three catchments within the TANK group, i.e., the Ahuriri catchment will have objectives based on supporting sensitive estuarine receiving environments.
Option 2: FMUs set at a catchment boundary level 11 FMUs	Similar to Option 1, with the division of the Tūtaekurī, Ngaruroro, Karamū, and Ahuriri catchments into four distinct FMUs, the Wairoa, Northern Coast, Southern Coast and Porangahau catchments would all be separated	<ul style="list-style-type: none"> Able to respond to the different conditions and pressures on the TANK catchments at an individual catchment level By defining Northern Coast, Wairoa, Southern Coast and Porangahau as individual FMUs it acknowledges the different communities in those catchments and their potentially distinct visions for their waterways. 	<ul style="list-style-type: none"> Plan complexity is potentially greater than for Option 1, resulting in an increase from 6 to 11 FMUs. With this option Kotahi will have at least 11 visions and 11 separate FMU chapters.
Option 3: Hybrid model between Option 1 and 2 9 FMUs	The four TANK catchments would be divided into distinct FMUs whilst the Wairoa and Northern Coast catchments would be combined into one FMU, as would the Southern Coast and	<ul style="list-style-type: none"> Would provide a smaller number of catchments, thus less visions and chapters than in Option 2. Grouping Wairoa and Northern coast into one FMU and Southern Coast and Porangahau into another would 	<ul style="list-style-type: none"> Plan complexity is potentially greater than for Option 1, resulting in an increase from 6 to 9 FMUs. In this option Kotahi will have at least 9 visions and FMU chapters. The variable size of FMUs within the region may be perceived as

FMU Options	Description	Advantages	Disadvantages
	Porangahau Catchments.	acknowledge that the FMU's share the same issues, hydrological features and land uses, with the same management approaches taken.	inappropriate and may drive requests for more, small catchment scale sub-FMUs within the FMUs.

Considerations of Tangata Whenua

29. Multiple rohe exist and overlap within many freshwater catchments, and may cross multiple catchments and FMUs, or sit within one. When HBRC collaborates with iwi and hapū, discussions are able to traverse all water bodies within their respective rohe and can consider implications up and down-stream of a rohe. Some consideration was given to FMUs based on rohe boundaries, but this would have resulted in multiple overlapping FMUs. This is not considered practicable as the outcome would be multiple objectives for the same body of water. Likewise, several water bodies would be dissected.
30. The recommended option enables all iwi and hapū with interests in a whole catchment, ki uta ki tai, to work together collaboratively to advise on one approach, however we understand that there may be instances for each group to advise separately, requiring Council to collate, assess and recommend options for iwi/hapū comment.
31. Council is in the process of continuing to build collaborative relationships with tāngata whenua for the Essential Freshwater Policy Programme, which will include discussing the National Objectives Framework steps (vision, objectives, etc). We will need to remain flexible about sub-units as the NOF process will be iterative and sub-units may need adjustments. In some cases, specific cultural values may necessitate a special sub-unit with specific management approaches, and this is enabled by both options. Both options allow FMUs to apply to whole catchments, which aligns with the Te Ao Māori concept of ki uta ki tai.
32. It is likely that there will be resourcing implications for iwi and hapū involved in these processes that will need to be considered.

Decision Making Process

33. 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:
 - 33.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
 - 33.2. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

Recommendations

That the Regional Planning Committee:

1. Receives and considers the "Freshwater Management Units" 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.

Item 6

3. Considers the three Options and adopts staff recommendation, Option 1, resulting in six FMU's noting that this remains an in-principle decision, but is important to set this as an intended approach for the development of Kotahi and to provide staff with a preferred position to inform discussions with tāngata whenua and the community during consultation and plan.

Authored by:

**Nichola Nicholson
POLICY PLANNER**

**Ceri Edmonds
MANAGER POLICY AND PLANNING**

Approved by:

**Katrina Brunton
GROUP MANAGER POLICY &
REGULATION**

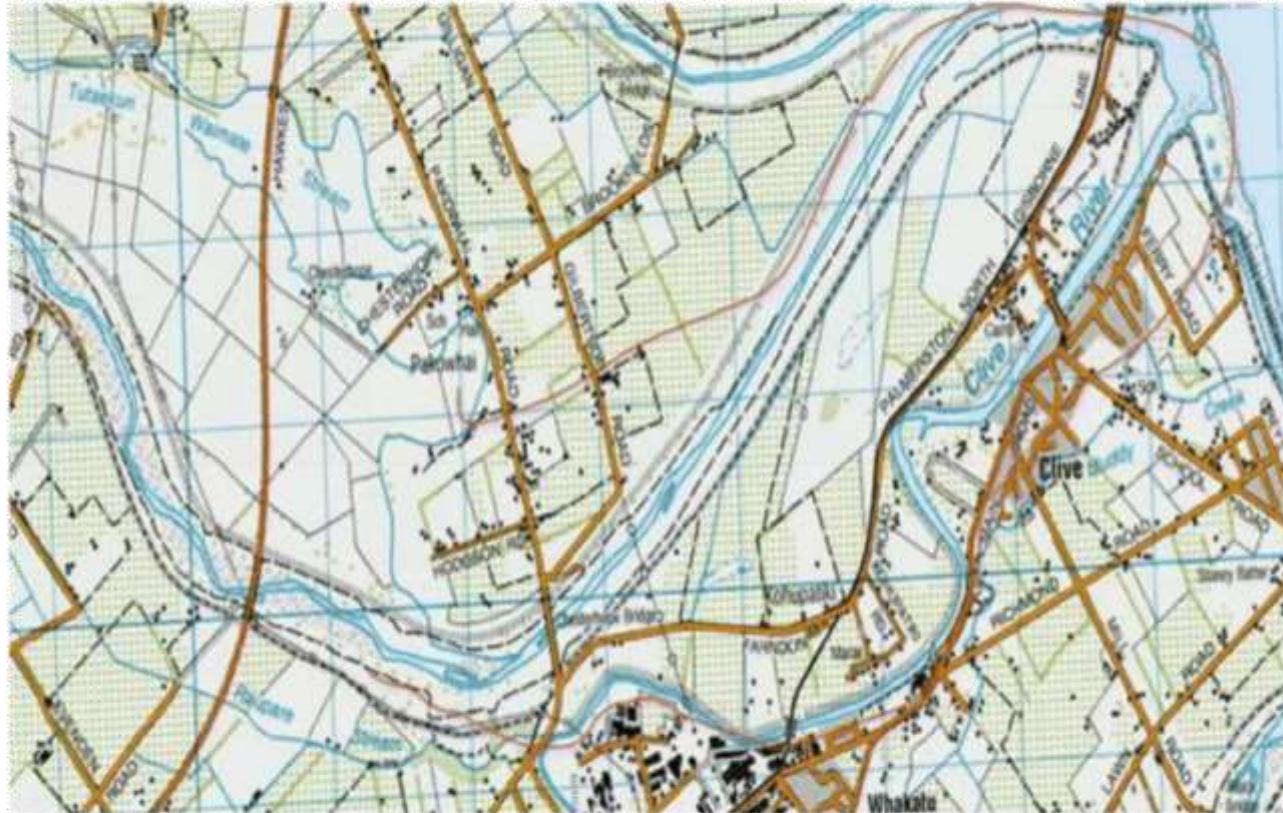
Attachment/s

- 1 [1](#) Clive river included in Ngaruroro catchment

Clive river included in Ngaruroro catchment

Attachment 1

Clive river included in Ngaruroro catchment – Refer par 23.4 in the cover paper



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

Wednesday 07 July 2021

**Subject: MĀORI ENGAGEMENT AHEAD OF PUBLIC CONSULTATION ON
IMPLEMENTATION AND EXECUTION OF THE COASTAL HAZARDS
STRATEGY**

Reason for Report

1. This report outlines a proposal for engaging with mana whenua ahead of formal consultation on the implementation and execution of the Clifton to Tangoio Coastal Hazards Strategy 2120 in early to mid-2022, seeking the Committee's feedback.

Executive Summary

2. Formal consultation on the Clifton to Tangoio Coastal Hazards Strategy implementation and execution is tracking toward a public consultation process in the form of a proposed Long Term Plan amendment in the first half of 2022. Ahead of that wide public consultation process, a pre-consultation step is considered important to ensure that mana whenua is appropriately recognised and informed about the proposal and able to provide feedback into the process before formal consultation commences.

Background

3. The Strategy represents a coordinated approach to identifying and responding to coastal hazards and the influence of sea level rise over the next 100 years. It provides a platform for long-term planning and decision making.
4. The Strategy is a collaboration between Napier City, Hastings District and Hawke's Bay Regional councils, mana whenua and communities along the Hawke's Bay coast from Clifton to Tangoio.
5. The vision of the Strategy is for coastal communities, businesses and critical infrastructure from Tangoio to Clifton to be resilient to the effects of coastal hazards.
6. The Strategy:
 - 6.1. Covers the coastal area between Clifton to Tangoio
 - 6.2. Seeks to develop a planned response to coastal hazards out to the year 2120
 - 6.3. Assesses and plans response to the following coastal hazards
 - 6.3.1. Coastal erosion (storm cut, trends, effects of sea level rise)
 - 6.3.2. Coastal inundation (storm surge, set-up, run-up, overtopping and sea level rise)
 - 6.4. Incorporates climate change as an overriding influence.
7. Through an intensive community engagement process with assessment panels, the Clifton to Tangoio Coastal Hazards Strategy 2120 document has outlined short, medium, and long term adaptive pathways for each section of the coast (see example adaptive pathway in Figure A following, and sections of the coast in Figure B). An adaptive pathway sets out a plan for the future based on what we know now, but recognises that the future is highly uncertain, and provides flexibility to shift and adapt as new information becomes available.

Item 7



Figure A

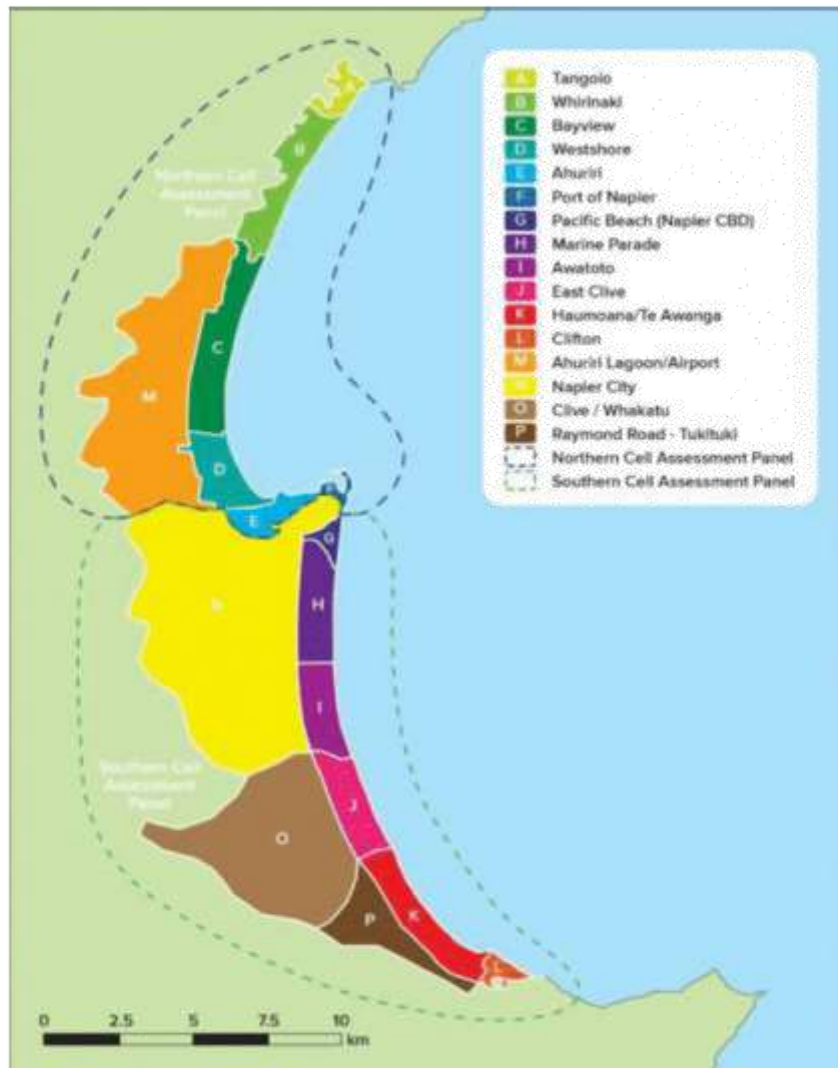


Figure B

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



Figure C

Item 7

9. While significant progress has been made and the project is seen nationally as a leading example of coastal hazards and climate change planning, key challenges remain.
10. Principle among these is seeking agreement between the Partner Councils on funding mechanisms for Strategy implementation. While the Joint Committee has resolved to recommend the formation of a Coastal Contributory Fund, agreement between Partner Councils on the implementation of such a fund has not yet been reached.
11. At a workshop on 30 April 2021, the Joint Committee received a report from Raynor Asher QC with recommendations, based on current law and practical and administrative considerations, that the Regional Council lead the implementation and funding of the Strategy. This provides clarity of roles and a clear path to implementing outcomes confirmed by the Strategy. The Joint Committee considered the report on Friday 4 June, resolving the following recommendations to the Partner Councils.
 - 11.1. The Clifton to Tangoio Coastal Hazards Strategy Joint Committee endorses the findings of the review undertaken by Mr Raynor Asher QC titled "Review and Recommendations for the Clifton to Tangoio Coastal Hazards Strategy Joint Committee", including the following key recommendations:
 - 11.1.1. That the Hawke's Bay Regional Council takes charge of all aspects of the prevention and mitigation of coastal hazards on the Clifton to Tangoio coast
 - 11.1.2. That the Napier City Council, Hastings District Council and Hawke's Bay Regional Council enter into a memorandum of understanding setting out agreed positions on this arrangement
 - 11.1.3. That an advisory committee is formed by elected representatives from Napier City Council, Maungaharuru-Tangitū Trust, Hastings District Council, Mana Ahuriri, Hawke's Bay Regional Council and Heretaunga Tamatea Settlement Trust to support forward work
 - 11.1.4. That a Transition Plan is prepared to set out the timing and orderly process of transitioning functions to the Hawke's Bay Regional Council in accordance with the terms set out in the memorandum of understanding.
 - 11.2. The Clifton to Tangoio Coastal Hazards Strategy Joint Committee recommends that the Napier City Council, Hastings District Council and Hawke's Bay Regional Council agree in principle to the findings of the Funding Review for the purposes of commencing consultation under s.16 of the Local Government Act 2002.
12. The Technical Advisory Group (TAG) is continuing to advance Stage 4, through five workstreams – regulatory, governance, funding, design, and triggers. TAG is currently engaging with the community through a series of workshops, which began in November 2020.

Mana whenua engagement

13. Mana whenua engagement has been a critical part of the development of the Strategy, including:
 - 13.1. Mana whenua representation on the panels:
 - 13.1.1. Kaitiaki o te Roopu for both Northern and Southern panels – Aramanu Ropiha
 - 13.1.2. Northern Panel Mana Whenua reps – Hoani Taurima and Garry Huata
 - 13.1.3. Northern Panel – Tania Hopmans, Observer (Maungaharuru-Tangitū Trust Incorporated) and Tania Huata, Observer (Mana Ahuriri Incorporated)
 - 13.1.4. Southern Panel Mana Whenua reps – Aki Paipper and Te Kaha Hawaikirangi
 - 13.1.5. Southern Panel - Peter Paku (Heretaunga Tamatea Settlement Trust).
 - 13.2. Letters were sent out to Iwi representatives to provide a strategic overview and to seek interest in involvement

Item 7

- 13.3. An Assessment of Cultural Values Report Coastal Hazards Strategy 2120 Clifton to Tangoio – Mai Te Matau a Māui ki Tangoio was written by Aramanu Ropiha in 2017. The report was peer reviewed by Maungaharuru-Tangitū Trust, Mana Ahuriri Incorporated and He Toa Takitini.
- 13.4. As well as the Cultural Values report, a cultural Wānanga and Hīkoi was arranged for panel members. This was hosted by Matahiwi Marae on 1 July 2016 and was facilitated by both Pat Parsons and Aramanu Ropiha. As part of the hīkoi the Panel members were taken on a bus tour of the entire Strategy area, with particular reference to historical use, occupation and sites of significance.
14. As part of the technical assessment criteria, mana whenua representatives were asked to 'score' the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. The Mana Whenua Representatives recorded the following overriding factors that informed their scoring of pathways against the cultural criterion:
 - 14.1. Preferred that a beach be maintained where possible for coastal access/ use
 - 14.2. Accept that in general we should let nature take its course in preference to hard intervention
 - 14.3. Preferred that the coast is held/ returned to a natural state, as much as possible – the 'vista' is important (remove sea walls)
 - 14.4. Prefer not to split communities artificially (e.g. retreat the line picks winners)
 - 14.5. In general, no sites of historic significance are considered to be affected by the pathways as they have been developed for the Southern Cell priority units, however there is an urupā in the Whirinaki unit in current use (Petane Marae)
 - 14.6. Desire to see historic values recognised/ commemorated as part of any future coastal works.
15. The TAG intends to continue to advance each of the workstreams in Stage 4. Once this work is complete, and funding arrangements are confirmed, a draft Strategy will be released for public consultation.

Discussion

16. The Strategy is currently tracking towards a wider public consultation process (in the form of a proposed Long Term Plan amendment) in the first half of 2022.
17. A mana whenua engagement plan has been developed to outline how the Strategy proposes to engage with mana whenua in the lead up to the formal consultation process.
18. This pre-consultation step is considered important to ensure that mana whenua is appropriately recognised and informed about the proposal and able to provide feedback into the process before formal consultation commences.
19. There are multiple parties to engage with ahead of consultation, including:
 - 19.1. Post Settlement Governance Entities (PSGEs) – Maungaharuru Tangitū Trust, Mana Ahuriri Trust and Heretaunga Tamatea Settlement Trust⁷
 - 19.2. Two of the four Ngāti Kahungunu Taiwhenua are relevant in this consultation – Te Taiwhenua o Te Whanganui ā Orotu and Te Taiwhenua o Heretaunga
 - 19.3. Affected marae as defined in paragraph 24
 - 19.4. Māori land block owners (as a separate process ahead of consultation in March 2022).
20. Council staff propose a staggered engagement approach with presentations to the Māori Committee (MC), comprised of three representatives from each of the four Taiwhenua across our region, and the Regional Planning Committee comprising appointees from 8 of

⁷ Each of these three PSGEs has a representative on the Clifton to Tangoio Coastal Hazards Strategy Joint Committee

the 9 PSGEs across the region and councillors. It is proposed for the Regional Planning Committee that one or all three PSGE representatives on the Clifton to Tangoio Coastal Hazards Strategy Joint Committee will take an introductory lead on this agenda item. The purpose of the engagement is to gain feedback on the approach moving forward.

20.1. Māori Committee: presented on 9 June 2021

20.1.1. Note the feedback from the Māori committee was that the Kaitiaki appointed group "Te Matau a Māui" should be included as one of the consultation parties.

20.2. Regional Planning Committee: to be presented on 7 July 2021.

21. The presentation will include:

21.1. Background of the strategy and context for consultation

21.2. An overview of the proposed engagement approach

21.3. Impact on specific marae

21.4. Triggers and thresholds

21.5. Coastal ecology.

22. We want to take this presentation to the relevant PSGEs separately and seek Regional Planning Committee support to do so.

23. Following this presentation to the RPC, we will collate feedback and make changes as needed to either the presentation or the approach.

24. We propose to approach the seven marae we have identified as being potentially impacted (directly or indirectly) by coastal hazards. If possible, we would like to attend one of the marae committee meetings between September and November 2021:

24.1. Tangoio

24.2. Petane

24.3. Matahiwi

24.4. Kohupātiki

24.5. Ruahapia

24.6. Waipatu

24.7. Waiohiki.

25. After meeting with marae we will set up regular communication in the form of a newsletter and confirm that we will return for formal consultation in March 2022.

Next Steps

26. Receive and incorporate feedback from the Regional Planning Committee on the engagement approach before engaging further with PSGEs or marae.

Decision Making Process

27. 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 considers the "*Māori Engagement ahead of Public Consultation on Implementation and Execution of the Coastal Hazards Strategy*" staff report.

Item 7

Authored by:

**Rebecca Ashcroft-Cullen
COMMUNICATIONS ADVISOR**

Approved by:

**Chris Dolley
GROUP MANAGER ASSET
MANAGEMENT**

Attachment/s

There are no attachments for this report.

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

Wednesday 07 July 2021

Subject: JULY 2021 POLICY PROJECTS UPDATE

Reason for Report

1. This report provides an outline and update of the Council's various resource management projects currently underway, 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 "*July 2021 Policy Projects Update*" staff report.

Authored by:

**Anne Bradbury
SENIOR POLICY PLANNER**

**Belinda Harper
SENIOR PLANNER**

**Ellen Robotham
POLICY PLANNER**

Approved by:

**Ceri Edmonds
MANAGER POLICY AND PLANNING**

**Katrina Brunton
GROUP MANAGER POLICY &
REGULATION**

Attachment/s

1. [July 2021 RMA projects Update](#)

July 2021 RMA projects Update

Attachment 1

Item 8

Attachment 1

Status Report on HBRC Resource Management Plan Change Preparation & Review Projects (as at 14 June 2021)

Updates are in blue underlined text

Project	Narrative update	Next intended reporting to RPC
<u>PC7: Outstanding waterbodies plan change</u>	<ol style="list-style-type: none"> Publicly notified on 31 August 2019. 41 submissions were received, 19 further submissions. The OWB Hearing was held from 30 November to 4 December 2020. Hearing Commissioners are Dr Brent Cowie (Chair), Dr Roger Maaka and Christine Scott. 24 submitters attended the hearing. The Panel of <u>commissioners have been</u> preparing a report to issue decisions on behalf of Council. At time of writing, anticipating Panel's decisions on PC7 will be issued in late June. There is a 30 working day period for any submitter to file an appeal with the Environment Court. The PC7 decision must be issued before 31 August 2021 (i.e. two years after public notification date). 	<u>1 Sept 2021</u>
<u>Mohaka Catchment Policy Development for Kotahi</u>	<ol style="list-style-type: none"> Under preparation. Not yet notified. Staff are currently redesigning the project brief and programme of work with tāngata whenua and their project team (please refer to the paper attached to this agenda). Critical tāngata whenua-led workstreams are being supported and resourced by HBRC. These workstreams are fundamental to the success of the plan by enabling tāngata whenua to be actively involved in the plan development process. Website updated with information gathered during initial community engagement pre-Christmas on catchment values and issues. Public meeting at Te Pohue on 25 March 2021 to introduce wider community to the Mohaka catchment policy development work. A wananga was held by NPDT in the Taupo on the 14-15 June as part of the Maori-led workstream. An update will be provided to the RPC in due course. 	<u>1 Sept 2021</u>
<u>PC9: Greater Heretaunga/Ahuriri catchment area plan change (aka TANK)</u>	<ol style="list-style-type: none"> The TANK Plan Change was notified on 2 May 2020 and the submissions period closed on 14 August 2020. 240 submissions were received from a wide range of perspectives. Key themes relate to Te Mana o Te Wai and allocation of water. The summary of submissions was notified on 11 November 2020 and closed on 9 December 2020. 24 further submissions were received. Staff analysed all submissions received and prepared a report under Section 42A of the RMA which provides recommendations to the hearings panel on whether to accept, accept in part, or reject submissions on the plan change. All documents relevant to the TANK Plan Change 9 and the hearings are available on the Council's website: https://www.hbrc.govt.nz/hawkes-bay/projects/the-tank-plan/tank-submissions-and-hearings/ At RPC meeting on 19 August, RPC made recommendations to Council for Hearing Panel Membership. Council confirmed the RPC's recommendations at meeting on 26 August. The hearings panel consists of Antoine Coffin (Chair), Dr Brent Cowie, Dr Greg Ryder, Dr Roger Maaka, and Rauru Kirikiriri. <p><u>Next steps</u></p> <ol style="list-style-type: none"> Hearings commenced on the 24 May and ran through June. The first three days of the hearing were held at Mangaroa Marae in response to requests from tāngata whenua. <u>At the time of writing, the hearings had not closed. Staff will provide a verbal update at the RPC meeting.</u> Decisions on submissions must be issued before 2 May 2022 (i.e. two years after public notification date). 	<u>1 Sept 2021</u>

Attachment 1

July 2021 RMA projects Update

Attachment 1

Item 8

Project	Narrative update	Next intended reporting to RPC
Amendments to regional plans without RMA Schedule 1 process	<p>18. On 3 September 2020, the following came into effect:</p> <ul style="list-style-type: none"> a) the National Policy Statement for Freshwater Management 2020, b) the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, and c) the Resource Management (Stock Exclusion) Regulations 2020. <p>19. On 20 August 2021, the Resource Management (National Environmental Standards for Outdoor Tyre Storage) Regulations 2021 will come into effect.</p> <p>20. The Council can amend the Regional Resource Management Plan (RRMP) and Regional Coastal Environment Plan (RCEP) without using a public submission process in Schedule 1 of the RMA to:</p> <ul style="list-style-type: none"> a) remove duplication or conflict with a national environmental standard, and b) add, amend or remove provisions from the RRMP or RCEP (or both) if directed to do so in a national policy statement. <p>21. The RRMP and RCEP <u>are to be</u> amended to:</p> <ul style="list-style-type: none"> a) align with the two new NESs for freshwater and outdoor tyre storage, and b) insert clauses 22(1) natural inland wetlands, 3.24(1) rivers and 3.26(1) fish passage of the NPS-FM 2020. 	Updates from staff as and when new information becomes available.
Ngaruroro and Clive Rivers Water Conservation Order	<p>22. 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>23. Hearings <u>were rescheduled</u> for the week of 14 June 2021.</p> <p>24. HBRC staff will provide an update when the Court's decisions on the WCO is made available.</p> <p>25. For more information, see: https://www.epa.govt.nz/public-consultations/decided/water-conservation-order-ngaruroro-and-clive-rivers/</p>	Updates from staff as and when new information becomes available.
Statutory Acknowledgements of Treaty settlements	<p>26. No further Treaty settlement legislation relating to parts of the Hawke's Bay region has been passed into law since the previous update.</p> <p><i>Refer to Pātaka online mapping tool for further information [website link] about current Statutory Acknowledgements in Hawke's Bay region that have been passed in various Treaty settlement statutes.</i></p>	Updates from staff as and when new information becomes available.

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

Wednesday 07 July 2021

SUBJECT: JULY 2021 STATUTORY ADVOCACY UPDATE

Reason for Report

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

Decision Making Process

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

Recommendation

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

Authored by:

**Nichola Nicholson
POLICY PLANNER**

**Ellen Robotham
POLICY PLANNER**

Approved by:

**Katrina Brunton
GROUP MANAGER POLICY &
REGULATION**

Attachment/s

- 1 [July 2021 Statutory Advocacy Update](#)

July 2021 Statutory Advocacy Update

Attachment 1

Item 9

Attachment 1

Statutory Advocacy Update (as at 14 June 2021)

Note: updates since reporting for previous RPC meeting (14 April 2021) are provided in red text.

TABLE 1: NATIONAL PROPOSALS

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

Page | 1

Attachment 1

July 2021 Statutory Advocacy Update

Attachment 1

Received	Proposal	Agency	Status	Current Situation
17 May 2021	National Environmental Standards for Outdoor Tyre Storage (NES-OTS) https://environment.govt.nz/acts-and-regulations/regulations/nzs-tyre-storage-outdoors/	Ministry for the Environment	Finalised – in legal effect from 20 August 2021	NES-OTS was gazetted on 17 May and will come into legal force from 20 August 2021. The purpose of the NES-OTS is to deal with some of the effects of outdoor tyre storage relating to the functions of regional councils. The NES-OTS is to be implemented by regional councils – not city or district councils. It is a regulatory tool to manage the environmental and health risks of tyres stored or deposited outside (particularly in terms of fire risk and leaching from tyre materials affecting water bodies). The Government's release of the NES-OTS is part of a package of measures to address the issue of tyre waste in New Zealand. The main initiative is a regulated tyre stewardship scheme to encourage more and better uses for end-of-life tyres. The Government intends Regulations to underpin a scheme will be available for consultation later in 2021.

TABLE 2: TERRITORIAL LOCAL AUTHORITY PROPOSALS

Received	TLA	Proposal	Applicant/ Agency	Status	Current Situation
Aug 2020	NCC	Resource Consent Application Consent is sought to develop 162 dwellings and a staged subdivision as a gated community at 16 and 38 Willowbank Avenue, Te Awa.	Applicant Durham Property Investments Limited Agent Development Nous Limited	Notified Hearing not required	<ul style="list-style-type: none"> HBRC lodged submission opposing the application based on concerns regarding natural hazards including tsunami inundation, stormwater, earthworks and transport connectivity. A copy of the submission can be found at HBRC Submissions. Staff and applicants held a meeting to discuss options to address HBRC's concerns. Conditions have been agreed and included within the recommended conditions suite to the decision maker.
July 2020	NCC	Application to Ministry of Transport Pipeline Protection Zone under the Submarine Cables and Pipeline Protection Act 1996 Application made to seek protection for submarine pipes in the coastal marine area.	Napier City Council, Hastings District Council, Pan Pac Forest Products Ltd	Application made June 2020 – public feedback closed July 2020	Previously.... Feedback submitted. A copy of HBRC's submission can be found at HBRC Submissions . No update from NCC at time of writing relating to applications status.

Page | 2

July 2021 Statutory Advocacy Update

Attachment 1

Received	TLA	Proposal	Applicant/ Agency	Status	Current Situation
March 2020	NCC	Napier City Council District Plan Review – Discussion Documents NCC released and sought public feedback on discussion documents relating to the following topics: 'Ecosystems & Indigenous Biodiversity', 'Natural Features and Landscapes', 'Built Heritage' & 'Greenfield Growth in the Hills'.	Napier City Council	Discussion documents released – public feedback closed 1 May 2020.	Previously... Napier City Council have publicly launched a review of their district plan. There will be further opportunities during NCC's District Plan Review process for HBRC to provide feedback and influence content. Submissions lodged separately on Ecosystems and Indigenous Biodiversity, and Greenfield Growth in the Hills. Copies can be found at HBRC Submissions .
28 May 2021 May 2019	CHBDC	Central Hawke's Bay District Plan Review CHBDC are undertaking a full review of the District Plan. A new proposed district plan was publicly notified on 28 th May 2021. https://www.chbdc.govt.nz/services/district-plan/proposed-district-plan/submissions/	Central Hawke's Bay District Council	Proposed District Plan publicly notified. Submissions due 6 Aug 2021	Planning staff currently reviewing relevant sections of recently released proposed district plan. Written comments still to be confirmed. Previously, feedback had been provided on earlier discussion documents. A copy of HBRC's earlier feedback can be found at HBRC Submissions .
18 Jan 2016	WDC	Resource Consent Application Consent is sought to clear 248 hectares of Manuka and Kanuka on Part Umumano 2 Block on Kopuawhara Road, Mahia.	Applicant R & L Thompson Agent Insight Gisborne Ltd	Limited Notified WDC hearing pending	Previously... <ul style="list-style-type: none"> HBRC has opposed the application based on concerns relating to the loss and degradation of soil (erosion) and water quality. A copy of the submission can be found at HBRC Submissions. HBRC staff and applicants have held discussions about potential alternative clearance proposals.
8 Nov 2013	HDC	Proposed Hastings District Plan Review of the Hastings District Plan in its entirety. Includes the harmonisation of district wide provisions between the Napier District Plan with the Hastings District Plan where relevant.	Hastings District Council	Notified HDC decisions issued, subject to appeals	Previously... <ul style="list-style-type: none"> Over 40 separate appeals were lodged against HDC's decisions by other groups and individuals. HBRC joined as a section 274 interested party to proceedings on eleven (11) of those appeals. All but one of those appeals has been resolved. That last one will be awaiting the appellant to prepare a draft 'structure plan' for their development area in Havelock North. HDC issued its decisions on 12 September 2015. Council staff reviewed the decisions and were satisfied that HBRC's submission has been appropriately reflected so did not need to lodge an appeal itself.

Page | 3

Item 9

Attachment 1

Attachment 1

July 2021 Statutory Advocacy Update

Attachment 1

Item 9

TABLE 3: OTHER PROPOSALS

Received	Proposal	Agency	Status	Current Situation
9 Dec 2017	HB Fish and Game Council's Draft Sports Fish and Game Management Plan A draft management plan under the Conservation Act to eventually replace the current 2005 Sports Fish and Game Management Plan for the HBFG region.	HB Fish and Game Council	Notified, Submissions closed. Hearing pending	Previously... Submission lodged. A copy of HBRC's submission can be found at HBRC Submissions .
24 July 2017	Application for Water Conservation Order (WCO) Application for a WCO for the Ngaruro River & Clive River	Applicants NZ Fish & Game Council, HB Fish & Game Council; Whitewater NZ; Jet Boating NZ; Operation Patiki Ngāti Hori ki Kohupatiki Marae; Royal Forest & Bird Protection Society	Special Tribunal Recommendation Report Released. Environment Court inquiry in progress	<ul style="list-style-type: none"> The Environment Court hearing began on 9 February 2021. Court proceedings were scheduled to adjourn on 19 February 2021. However, due to COVID Level 3 restrictions in Auckland the second week of the Environment Court hearing did not proceed. Hearings were rescheduled and held during the week of the 14 June 2021. HBRC staff will provide an update when the Court's decisions on the WCO are made available. <p>For more information, see: https://www.epa.govt.nz/public-consultations/decided/water-conservation-order-ngaruro-and-clive-rivers/</p>
Various	Marine and Coastal Area (Takutai Moana) Act 2011	Applicants Ngāti Pāhauwera Development Trust, Maungaharuru Tangitū Trust, Ngai Tahu O Mohaka Waikare, Ngati Parau Hapu (Waiohiki Marae Board of Trustees)	Hearing finished, High Court Judge's decision pending	<ul style="list-style-type: none"> No further update

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

Wednesday 07 July 2021

Subject: CONFIRMATION OF THE 10 MARCH 2021 PUBLIC EXCLUDED MINUTES

That Hawke's Bay Regional Council excludes the public from this section of the meeting being Confirmation of Public Excluded Minutes Agenda Item 11 with the general subject of the item to be considered while the public is excluded; the reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution being:

GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION	GROUND'S UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION
Long Term Plan 2021- 31 Development Update	7(2)s7(2)(i) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to enable the local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

Authored by:

**Annelie Roets
GOVERNANCE ADVISOR**

Approved by:

**Desiree Cull
STRATEGY AND GOVERNANCE
MANAGER**



MINUTES OF A MEETING OF THE REGIONAL PLANNING COMMITTEE

Date:	Wednesday 7 July 2021
Time:	11.30am
Venue:	Council Chamber Hawke's Bay Regional Council 159 Dalton Street NAPIER
Present:	J Maihi-Carroll – <i>Mana Ahuriri Trust</i> – Chair Cr R Barker – Co-chair K Brown – <i>Te Kopere o te Iwi Hineuru</i> (via zoom) Cr W Foley – Deputy Co-chair Cr C Foss T Hopmans – <i>Maungaharuru Tangitū Trust</i> T Huata – <i>Ngati Pahauwera Development & Tiaki Trusts</i> N Kirikiri – <i>Te Toi Kura O Waikaremoana</i> (via zoom) Cr N Kirton Cr C Lambert M Mohi – <i>Ngati Tuwharetoa Hapu Forum</i> L Munroe – <i>Heretaunga Tamatea Settlement Trust</i> – Deputy Co-chair Cr H Ormsby P Paku – <i>Heretaunga Tamatea Settlement Trust</i> A Tapine – <i>Tātau Tātau o Te Wairoa Trust</i> Cr J van Beek Cr M Williams
In Attendance:	J Palmer – Chief Executive K Brunton – Group Manager Policy & Regulation P Munro – Te Pou Whakarae Māori Partnerships C Dolley – Group Manager Asset Management I Maxwell – Group Manager Integrated Catchment Management C Edmonds – Manager Policy & Planning N Nicholson – Policy Planner Dr J Smith – Manager, Science James Buwalda – Biodiversity Hawke's Bay Advisory Committee Debbie Monahan – General Manager, Biodiversity Hawke's Bay R Ashcroft-Cullen – Communications Advisor A Roets – Governance Advisor

1. Welcome/Karakia /Apologies/Notices

The Chair welcomed everyone to the meeting.

Resolution

RPC10/21 That the apologies for early departure from Cr Will Foley be accepted.

van Beek/Tapine
CARRIED

2. Conflict of Interest Declarations

There were no conflicts of interest declared.

3. Confirmation of Minutes of the Regional Planning Committee meeting held on 10 March 2021**RPC11/21 Resolution**

Minutes of the Regional Planning Committee meeting held on Wednesday, 10 March 2021, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

Williams/Kirton
CARRIED

4. Follow-ups from previous Regional Planning Committee Meetings

In response to a query regarding flooding issues at the Te Ngarue river mouth raised previously, James Palmer advised that further discussions on the management of the river mouth opening and flood issues have been undertaken with affected land owners.

The item was taken as read.

RPC12/21 Resolution

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

Huata/Barker
CARRIED

5. Call for Minor Items not on the Agenda**Recommendations**

That the Regional Planning Committee accepts the following "Minor Items Not on the Agenda" for discussion as Item 8:

Topic	Raised by
Standing items	Tania Huata
Invitation to Bonny Hatami to present the Mohaka Plan Change to the Regional Planning Committee	Tania Huata
Hearings Committee Requests	Cr Martin Williams

6. Freshwater Management Units

Ceri Edmonds introduced the item, with discussions covering:

- Freshwater Management Units (FMUs) are required under the National Policy Statement for Freshwater Management 2020 (NPSFM)

- This item was intended for a decision today, but during the morning workshop it was agreed that more time is needed to work through the options and to defer decisions to the September meeting

Nichola Nicholson provided a presentation on the FMUs. Further discussions covered:

- Although the NPSFM requires Regional Councils to define FMUs, it does not provide a particular method for doing so
- The National Objectives Framework sits behind the NPSFM, forms part of the monitoring process and is delivered at an FMU, or part of an FMU scale
- Each FMU must set a vision, defining values, outcomes, attributes, target Attribute states, limits and Action Plans
- Explaining how FMUs will work, including their vision and stated objectives will form a chapter in Kotahi
- Initial set up cost for a monitoring site at an FMU level is around \$100,000
- Sub-FMU requirements for monitoring will be set in the Regional Plan and will be legally binding
- Key components to be aware of are the cost and resource obligations that each FMU will place on the Regional Council and each catchment can specifically be referred to in each FMU for monitoring and measuring for specific qualities
- It was suggested that HBRC should start with high level conversation putting out the limited number of FMUs for discussion rather than looking into a "Managing and monitoring" concept
- It was agreed a further workshop will be held with RPC members and an invitation extended to Ngāti Kahungunu, other tangata whenua groups and Riki Ellison to work through FMU issues and concerns raised today.

RPC13/21 Resolutions

That the Regional Planning Committee:

1. Receives and considers the "Freshwater Management Units" staff report.
2. Defers decision making to the 1 September 2021 Regional Planning Committee meeting.

**Tapine/Hopmans
CARRIED**

12. Tangata Whenua Representatives on the Biodiversity Hawke's Bay Strategy Stewardship Group

Pieri Munro introduced James Buwalda and Debbie Monahan of Biodiversity Hawke's Bay (BHB) Advisory Committee who presented the Hawke's Bay Biodiversity Strategy 2015 – 2050, their vision and objectives. Discussions traversed:

- BHB seeking two tangata whenua representatives on the Hawke's Bay Strategy Stewardship Group (SSG) and asking for advice from the Committee as to how best to achieve that
- tangata whenua have an important role in the management, restoration and sustainable use of indigenous biodiversity in Hawke's Bay
- Biodiversity is the variety of all life and the interactions between them and when elements are lost, ecosystems become less resilient
- Want to sustain, protect and improve native habitats and the ecosystem services they provide, improve populations of native species, recognising indigenous biodiversity as a taonga for future generations
- Vital that tangata whenua are able to fulfil tino rangatiratanga and kaitiaki roles
- The Strategy recognises the important role that Māori have in the management, restoration and sustainable use of indigenous resources
- New governance group was established to deliver on the objectives of the Strategy

- Maximum of nine members including HBRC CE, DoC Hawke's Bay Operations Manager, four members elected by the membership of Biodiversity Hawke's Bay and three members appointed by the SSG
- Review of the Action Plan 2017-2020 is a key priority for the SSG, setting out activities over the next 3-5 years

Cr Will Foley left the meeting at 12.55pm

- It was suggested that instead of tāngata whenua representatives from the RPC, a Māori liaison person with a passion for biodiversity be engaged.

RPC14/21 **Resolutions**

That the Regional Planning Committee:

1. Receives and considers this report and request from Biodiversity Hawke's Bay.
2. Provides advice and guidance in relation to of tāngata whenua representatives to Biodiversity Hawkes Bay Strategy Stewardship Group.

**Tapine/Ormsby
CARRIED**

7. **Māori Engagement ahead of Public Consultation on implementation and execution of the Coastal Hazards Strategy**

Chris Dolley introduced Rebecca Ashcroft-Cullen and gave a brief update on the Clifton to Tangoio Coastal Hazards Strategy process to date. Discussions traversed:

- Tracking toward a public consultation process in the form of a proposed Long Term Plan amendment in the first half of 2022
- The Strategy represents a coordinated approach to identifying and responding to coastal hazards and the impacts of climate change over the next 100 years
- Current work includes renourishment, revetment work and erosion control
- Recommended pathways were approved by the Clifton to Tangoio Coastal Hazards Strategy Joint Committee and agreed by all three councils
- First actions are proposed by the pathways over the next 20 years

Rebecca Ashcroft-Cullen sought the committee's guidance and feedback on the proposed mana whenua engagement plan, highlighting:

- The pre-consultation step is considered important to ensure that mana whenua is appropriately recognised and informed
- Plan is to engage with multiple parties including Post Settlement Governance Entities, two of the four Ngāti Kahungunu Taiwhenua, marae and Māori land owners between August and November 2021
- Guidance from the Māori Committee was in support of the engagement and suggested engagement with a relevant kaitiaki group
- A lack of tangata whenua representation on the Coastal Hazards Joint Committee was raised
- The committee agreed support for the engagement plan to proceed.

RPC15/21 **Resolution**

That the Regional Planning Committee receives and considers the "*Māori Engagement ahead of Public Consultation on Implementation and Execution of the Coastal Hazards Strategy*" staff report.

**Huata/Hopmans
CARRIED**

8. July 2021 Policy Projects update

The report was taken as read.

RPC16/21 Resolution

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

Williams/Ormsby
CARRIED

9. July 2021 Statutory Advocacy update

The report was taken as read.

RPC17/21 Resolution

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

Kirton/van Beek
CARRIED

10. Discussion of Minor Matters Not on the Agenda

Topic	Raised by
Standing items <ul style="list-style-type: none"> It was proposed that Three Waters, Resource Management Reforms and the Future of Local Government be Standing items on the Committee agenda It was agreed that Resource Management Reforms will be a standing item, and that staff will bring any relevant matters to the committee as they arise in relation to Three Waters and the Future of Local Government Verbal update on Future of Local Government will be provided at the next meeting. 	Tania Huata
Invitation to Bonny Hatami to present the Mohaka Plan Change: <ul style="list-style-type: none"> Bonny Hatami to be invited to the September RPC meeting to present on the Mohaka Plan Change 	Tania Huata
Hearings Committee Requests: <ul style="list-style-type: none"> Request from the Hearings Committee for advice and guidance on wording for the Terms of Reference around tangata whenua members and what comprises a conflict of interest that would preclude appointment to a Hearing Panel. 	Cr Martin Williams

11. Confirmation of 10 March 2021 Public Excluded Minutes**RPC18/21 Resolutions**

That the Regional Planning Committee excludes the public from this section of the meeting being Confirmation of Public Excluded Minutes Agenda Item 11 with the general subject of the item to be considered while the public is excluded; the reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution being:

GENERAL SUBJECT OF THE ITEM TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION	GROUND UNDER SECTION 48(1) FOR THE PASSING OF THE RESOLUTION
Long Term Plan 2021-31 Development Update	s7(2)(i) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to enable the local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	The Council is specified, in the First Schedule to this Act, as a body to which the Act applies.

**Hopmans/van Beek
CARRIED**

11. Confirmation of Public Excluded Minutes of the Regional Planning Committee meeting held on 10 March 2021

Resolution

RPC19/21 Public Excluded Minutes of the Regional Planning Committee meeting held on Wednesday, 10 March 2021, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record as amended to record Tania Hopmans in attendance.

**Hopmans/van Beek
CARRIED**

Resolution

RPC20/21 That the meeting moves out of Public Excluded session.

**Van Beek/Hopmans
CARRIED**

The meeting moved into public excluded session at 1.35pm and out of public excluded session at 1.40pm.

Pieri Munro led the group in offering a karakia to close the meeting.

Closure:

There being no further business the Chairman declared the meeting closed at 1.42pm on Wednesday, 7 July 2021.

Signed as a true and correct record.

DATE:

CHAIRMAN:



Meeting of the Regional Planning Committee

Date: Wednesday 14 September 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 15 June 2022	
4.	Follow-ups from Previous Regional Planning Committee meetings	3
5.	Call for minor items not on the Agenda	7
Decision Items		
6.	Tāngata Whenua representatives remuneration review	9
Information or Performance Monitoring		
7.	Sustainable Seas project outcomes	15
8.	Regional spatial strategy and related matters update	19
9.	Verbal update on Kotahi community drop-in sessions	
10.	Verbal update on TANK plan change decisions	
11.	Policy Projects update	25
12.	September 2022 Statutory Advocacy update	31
13.	Discussion of minor matters not on the Agenda	37

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 (physically present in the room).

Voting Entitlement (clause (j))

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

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

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 14 September 2022

Item 4

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-ups from previous RPC meetings*.

Authored by:

Leeanne Hooper
TEAM LEADER GOVERNANCE

Approved by:

James Palmer
CHIEF EXECUTIVE

Attachment/s

1. [Followups for September 2022 RPC meeting](#)

Followups for September 2022 RPC meeting

Attachment 1

Attachment 1 Item 4

Follow-ups from Previous Regional Planning Committee Meetings

Meeting on 15 June 2022

No follow-ups from the 15 June RPC meeting.

Meeting on 16 February 2022

ref	Agenda Item	Action	Responsible	Status Comment
1	Follow-ups from previous meetings	Formal written agreement to the 2019 agreed Terms of Reference received from all PSGEs	P Munro /PSGEs	In progress. Verbal update will be provided at the meeting.
2	Tāngata Whenua Hearing Panel Commissioners' Conflicts of Interest Management	<ul style="list-style-type: none"> Dates of upcoming 'Making Good Decisions' courses to be circulated to all Regional Planning and Māori Committee members Recirculate spreadsheet on the current status of each member who holds a Chair certification to the RPC and Māori Committee members. 	Māori Partnerships Team	<p>The 'Making Good Decisions' programme is offered by WSP and all relevant information is available on their website - https://nzetc.wsp.com/w/courses/cat-13-making-good-decisions</p> <p>Upcoming courses are scheduled:</p> <ul style="list-style-type: none"> <u>Two-day Foundation course:</u> 29 Sept (Auckland) (seats available) & 10 Nov (Wellington) (seats available) <u>One-day Recertification course:</u> 6 Sep (Wellington)(seats available) & 26 October (Christchurch)(seats available) <u>One-day Chair's Certification & Recertification (Interactive online):</u> 21 Sept (Sold out, waiting list) & 15 Nov (seats available) <u>Chair Recertification:</u> Online: 27 Oct (sold out, waiting list).

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 14 September 2022

Item 5

Subject: CALL FOR MINOR ITEMS NOT ON THE AGENDA**Reason for Report**

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

Recommendations

That the Regional Planning Committee accepts the following *Call for minor items not on the Agenda* for discussion as Item 13:

Topic	Raised by

Leeanne Hooper
GOVERNANCE TEAM LEADER

James Palmer
CHIEF EXECUTIVE

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 14 September 2022

Subject: TĀNGATA WHENUA REPRESENTATIVES REMUNERATION REVIEW**Reason for Report**

1. This agenda item proposes a process for an independent review of tāngata whenua representatives' remuneration. It seeks the Committee's support for the appointment of an independent reviewer and the Terms of Reference for the scope of the review.
2. A similar paper is on the agenda at the Māori Committee on 7 September 2022. The outcome of the Māori Committee's discussion will be presented on the day.

Officers' Recommendations

3. Staff recommend the Regional Planning Committee consider the timing and method proposed for the independent review of remuneration for tāngata whenua members on the Regional Planning and Māori Committee and approve Strategic Pay as the appointee to undertake the review.

Executive Summary

4. As prescribed in the Regional Planning Committee (RPC) Terms of Reference, it is time to review tāngata whenua members remuneration for the new triennium. It is proposed to include the remuneration of both RPC and Māori Committee representatives as part of the independent review.
5. RPC tāngata whenua members' remuneration was last reviewed by Strategic Pay in July 2019 with a final council decision to set the remuneration in accordance with the findings of Strategic Pay in February 2020.
6. It is proposed to re-appoint Strategic Pay as the independent reviewer and to follow a similar process and methodology that was used three years ago, with the added scope of the Māori Committee.

Preferred provider

7. Under s12(1)(d)(ii) of the Hawke's Bay Regional Planning Committee Act 2013 (the Act), the RPC Terms of Reference must define how to set TWR remuneration. See the Appendix for the relevant provision in the Act.
8. The current RPC Terms of Reference (adopted in 2014) states that the level of remuneration shall be determined promptly following each triennial election by independent persons (Appointees), one of which is appointed by the Council Co-Chair, and the other by the TW Co-Chair. See the Appendix for the relevant provision in the Terms of Reference.
9. The TW Co-Chair of the RPC and the Co-Chairs of the Māori Committee have verbally agreed on Strategic Pay as their preferred provider to carry out the review.
10. Strategic Pay is New Zealand's largest, full-service remuneration consultancy. It has 21-years experience and has New Zealand-wide clients across the private, public and not for profit sectors, from SMEs through to large multinationals along with local and central government entities. As a result, Strategic Pay is well placed to undertake this review and can draw on its vast experience to provide current and relevant analyses using comparable-sized roles.

11. Strategic Pay are also considered a cost-efficient option as they already have a base knowledge of the RPC and Council and can replicate the process and apply the proven methodology, they used three years ago.
12. Strategic Pay has confirmed their availability to complete the work by March 2023 and provided an indicative cost between \$12,500 - \$14,000 + GST (the range will depend on the number of interviews) + 1% administration fee + travel costs (if needed, with preference for interviews via Microsoft Teams).

Proposed Terms of Reference for the Review

13. The proposed terms of reference for the remuneration review are set out below. Changes to the 2019 terms are highlighted in grey.
 - 13.1. confirm current composition of Council and its committees
 - 13.2. confirm current Regional Planning Committee (RPC) and Māori Committee fees paid: base annual fees; separate committee fees; and governance pool from when RPC fees were last reviewed
 - 13.3. examination of Council and committee meeting schedule, and consider the time commitment for tāngata whenua representatives on the RPC and the Māori Committee
 - 13.4. examination of any projects or challenges of note confronting the RPC and Māori Committee at this time, including meetings and discussion progressing under 'All of Governors' and related to Kotahi Plan Change
 - 13.5. acknowledgement of any particular board skills or expertise that need to be considered e.g. 'Making Good Decisions' training with respect to the Resource Management Act
 - 13.6. reference to the Remuneration Authority for the setting of Councillor fee levels and fee structure
 - 13.7. reference to current arrangements for the salary setting arrangements for tāngata whenua representatives of the RPC and Māori Committee
 - 13.8. provide remuneration advice which is consistent with similar organisations throughout New Zealand to determine appropriate Committee fee levels for the tāngata whenua representatives of the RPC and Māori Committee
 - 13.9. provide scoring of governance roles and positions on an independent, objective basis which is consistent with the State Services Commission's Cabinet Fees Framework 2012
 - 13.10. evaluate the RPC and Māori Committee governance roles and size these against fees paid in the NZ market for comparably sized roles
 - 13.11. provide a final report within four weeks from project approval and delivery of all requested background materials which covers the following information, by 31 March 2023
 - 13.11.1. background information and the context identified above
 - 13.11.2. recommendation summary
 - 13.11.3. application of SSC's Cabinet Fees Framework to governance roles of tāngata whenua members
 - 13.11.4. results of Director evaluation methodology.

Approach and Timing

14. The process that Strategic Pay followed three years ago involved:
 - 14.1 Document review, including Committee Terms of Reference (provided by Governance Team)

- 14.2 John McGill (CEO of Strategic Pay) met with both TWR and Councillor members of the RPC in conjunction with a scheduled RPC meeting
- 14.3 Subsequent phone interviews with the TW Co-Chair and Council Co-Chair of the RPC
- 14.4 Using a modification of our proprietary Director Evaluation Methodology ('DirectorRate' which considers nine factors involving Board of Director work), called for convenience 'CommitteeRate' to consider Committee work and relying on seven factors, to develop our understanding of the RPC roles
- 14.5 Reviewing what similar roles would be paid if the RPC were under the purview of the NZ Government's State Services Commission's Cabinet Fees Framework
- 14.6 Looking at Committee fee levels and overall fee levels compared to data collected and analysed in our annual February 2019 New Zealand Directors' Fees Survey
- 14.7 Reviewing the fees paid to the HBRC Councillors and understanding the relativities between Councillor roles and pay and those of the RPC
- 14.8 Contacting the New Zealand Remuneration Authority requesting advice. This request was declined as the issue is not in its jurisdiction.
- 15. It is proposed they follow a similar methodology this time.

Timing of the review

- 16. The timing of the review has been designed to align with the budgeting cycle for the 2023-24 Annual Plan. To be done in time, Strategic Pay would need to meet with the Committees at their first meeting post the election and deliver the final report in time for council to consider its findings at its meeting at the end of March 2023. This would enable any financial implications to be built into the budget with effect from 1 July 2023.

Significance and Engagement Policy Assessment

- 17. The decision to initiate the independent review as required by the RPC Terms of Reference is not significant.

Considerations of Tāngata Whenua

- 18. Tāngata whenua members are directly affected by this decision. The TW Co-Chair of the RPC and the Co-Chairs of the Māori Committee have been consulted on the choice of Appointee to undertake the review and have provisionally supported Strategic Pay.

Financial and Resource Implications

- 19. As noted above Strategic Pay has provided an indicative cost between \$12,500 - \$14,000 + GST (the range will depend on the number of interviews) + 1% administration fee + travel costs (if needed, with preference for interviews via Teams). This can be accommodated within existing budgets.
- 20. The independent review may recommend changes that will cause cost pressures for the Council. Staff consider it prudent to budget for these to take effect from 1 July 2023.

Decision Making Process

- 21. 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:
 - 21.1 The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
 - 21.2 The use of the special consultative procedure is not prescribed by legislation.
 - 21.3 The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.

- 21.4 The persons affected by this decision are tāngata whenua committee members.
- 21.5 Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

Recommendations

That the Regional Planning Committee:

1. Receives and considers the *Tāngata Whenua Representatives' Remuneration Review* 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 Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.
3. Agrees to appointment of Strategic Pay as the appointee to undertake the independent review of remuneration for tāngata whenua members of the Regional Planning and Māori Committees.
4. Agree to the proposed Terms of Reference for the independent review as set out in the report.

Authored by:

Desiree Cull
STRATEGY & GOVERNANCE MANAGER

Te Wairama Munro
RELATIONSHIPS MANAGER - CENTRAL &
INTERNAL

Approved by:

Pieri Munro
TE POU WHAKARAE

Attachment/s

1. [Tangata Whenua Representation Remuneration Review](#)

TANGATA WHENUA REPRESENTATIVES' REMUNERATION REVIEW

Section 12(1)(d)(ii) of the Hawke's Bay Regional Planning Committee Act 2013 (the Act) states:

12 Terms of reference of RPC

- (1) The terms of reference must provide for—
 - (a) the quorum for meetings of the RPC;
 - (b) how the RPC will be administered;
 - (c) the procedures relating to meetings of the RPC, decision making by the RPC, and dispute resolution, including for the purposes of section 10(2)(a), a procedure—
 - (i) for the Council to refer back to the RPC for reconsideration any recommendation made by the RPC but not adopted by the Council (whether in whole or in part); and
 - (ii) for the RPC to provide further recommendations to the Council;
 - (d) how the costs of administering and operating the RPC will be met by the Council, including—
 - (i) the costs of any advice required by the RPC; and
 - (ii) a procedure for determining the remuneration to be paid to tangata whenua members and reimbursement of their expenses;
- (2) The terms of reference may be amended by the written unanimous agreement of the appointees.
- (3) The terms of reference must be consistent with the specified legislation.
- (4) In the event of an inconsistency between the obligations of the Council under the terms of reference and its obligations under the specified legislation, the specified legislation prevails.

Clause 13.2 in the 2014 Terms of Reference for the Regional Planning Committee states:

13. Costs of administering and operating Committee

- 13.1. The costs of administering and operating the Committee will be met by the Council, including—
 - 13.1.1. The costs of any advice required by the Committee as agreed by the Committee; and
 - 13.1.2. Remuneration of Tangata Whenua Representatives and Tangata Whenua Co-Chair as follows:
- 13.2. The Tangata Whenua Representatives and the Tangata Whenua Co-Chair shall be remunerated for their services by the Council. The level of remuneration shall be determined promptly following each triennial election of Councillors by two independent persons (Appointees), one of which is appointed by the Council Co-Chair, and the other by the Tangata Whenua Co-Chair. The Appointees must have regard to:
 - 13.2.1. the need to minimise the potential for certain types of remuneration to distort the behaviour of the Tangata Whenua Representatives and the Tangata Whenua Co-Chair in relation to their respective positions on the Committee;
 - 13.2.2. the need to achieve and maintain fair relativity with the levels of remuneration received by elected representatives in RMA policy development roles; and
 - 13.2.3. the need to be fair both:
 - 13.2.4. to the persons whose remuneration is being determined; and
 - 13.2.5. to ratepayers; and
 - 13.2.6. the need to attract and retain competent persons.

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 14 September 2022

Item 7

Subject: SUSTAINABLE SEAS PROJECT OUTCOMES**Reason for Report**

1. This report provides an update on the operational activities associated with Hawke's Bay Regional Council's collaboration with the Hawke's Bay Marine and Coast Group (HBMaC) and the Sustainable Seas National Science Challenge case study for Hawke's Bay.
2. An update was last provided to Council at the November 2020 meeting of the Environment and Integrated Catchments Committee.

Executive Summary

3. Hawke's Bay Marine and Coast Group is a collaborative group convened to identify research needs and recommend research objectives to fill knowledge gaps to assist in the ongoing sustainable management of the Hawke's Bay coastal marine area. This group was established in 2016 and is recognised in Council's Strategic Goals for 'Healthy, functioning and climate-resilient biodiversity'.
4. Since 2018, the group has been working with the Sustainable Seas National Science Challenge in a regional case study aimed at implementing the principals of Ecosystem Based Management. Ecosystem-based management is an integrated, science-based approach to the management of natural resources and, while not new to Council policy work, looks to integrate management of the range of stressors across legislative boundaries.
5. In 2019, stage one of the case study looked at two stressors: land-based sediment and changes to the seafloor from bottom contact, using a socio-ecological tool called a Systems Map.
6. Recently, stage two of the case study used a Degradation and Recovery Model to test how changes to stressors (sediment input from land and bottom disturbance from fisheries activities) and closure areas would affect the benthic structure recovery. It also explored how seafloor health flows through into the social context with the Systems Map.

Strategic Fit

7. This activity assists Council to meet its strategic goal of 'Healthy, functioning and climate-resilient biodiversity', specifically to:
 - 7.1 Develop a Coastal Marine Monitoring and Management Plan, supported by the stakeholder-led Coastal Marine research strategy.
8. This project aligns with Marine and Coast science activities assessing land-based impacts on the coastal marine area.
9. We anticipate that this project will assist Council to deliver the Kotahi Plan.

Background

10. Management of the coastal marine area in Hawke's Bay is undertaken by several agencies and entities, covering several legislative documents. These include the Resource Management Act 1991, Biosecurity Act 1993, Conservation Act 1987, Fisheries Act 1996, Māori Fisheries Act 2004, Maritime Transport Act 1994, Marine and Coastal Area (Takutai Moana) Act 2011, and the Marine Mammals Protection Act 1978, as well as several other non-statutory documents.

11. In 2016, local concern around the perceived depletion of inshore fisheries and fish habitat in Hawke's Bay prompted a Council initiative to begin a collaboration between Council and others with interests in the Hawke's Bay coastal marine area.
12. The Hawke's Bay Marine and Coast Group (HBMaC) is comprised of representatives from recreational and commercial fishers, LegaSea, Department of Conservation, Fisheries New Zealand (MPI), local iwi, hapū and representation from two post-Treaty settlement groups. Council science staff are both participants in and the facilitators of this group.
13. HBMaC's purpose is to provide recommendations on improving the information and evidential base of decision-making in the management of Hawke's Bay coastal marine area. HBMaC developed the Research Roadmap which covers three themes:
 - 13.1 Terrestrial and Coastal Linkages
 - 13.2 Ecosystems and Habitats
 - 13.3 Fisheries.
14. Due to the existing relationships held within the HBMaC group, Hawke's Bay was approached to participate in the Sustainable Seas National Science Challenge as a case study area. The National Science Challenges are cross-disciplinary, mission-led programmes designed to tackle New Zealand's biggest science-based challenges.
15. The HBMaC vision of 'Achieve a healthy and functioning marine ecosystem in Hawke's Bay that supports an abundant and sustainable fishery' is well aligned to the Sustainable Seas vision 'Aotearoa New Zealand has healthy marine ecosystems that provide value for every New Zealander'.
16. After stage one, this project was presented to the Environment and Integrated Catchment Committee in November 2020. With stage two now complete, this paper summarises both stages of the project.
17. The Hawke's Bay case study is focused on enabling (rather than implementing) Ecosystem Based Management (EBM) in Hawke's Bay.

Discussion

18. Ecosystem Based Management (EBM) is an approach to management that addresses cumulative impacts and balances multiple, often conflicting, objectives across management objectives and/ or sectors. A primary goal of EBM is to balance the diverse and interconnected needs of society and the environment.
19. Stage one of the Hawke's Bay project focused on two main stressors: land-derived sediments entering the marine environment and bottom contact from fisheries activities (e.g., bottom-trawling). Three full day workshops were held with HBMaC participants and the Sustainable Seas project team. These workshops looked at the aspects that influence the two stressors (including social and ecological aspects), as well as projected patterns under different scenarios (e.g., do nothing, current or projected management).
20. A Systems Map, a way to visually articulate the relationships between variables that best explain the behaviour of the system that you are trying to understand, was developed. This highlighted four areas where our desired state differed from our current state. These included:
 - 20.1 Land-derived sediment entering the marine environment
 - 20.2 Appropriate benthic structure (e.g. complex habitat, sand, mud etc)
 - 20.3 Loss of connection with Tangaroa
 - 20.4 Public satisfaction with ecosystem health.
21. Stage two of the project investigated the impact of reducing the gaps between the current and desired state using existing tools developed in the Sustainable Seas programme. A Degradation

- and Recovery Model simulated changes in management (e.g., changes to sediment load into the coastal marine area, changes to bottom contact by changing fishing intensity, etc.) to understand what that may mean for seafloor health.
22. After being presented with information regarding trawling effort and deposited sediment in the Hawke's Bay Coastal Marine Area, HBMaC collaboratively created scenarios of reducing sediment and fishing intensity.
 - 22.1 Baseline scenario – business as usual
 - 22.2 Scenario 1
 - 22.2.1 Sediment input reduces from all major rivers by 10% over 25 years (starting 2027)
 - 22.2.2 Fishing effort to 200m depth (outside of existing closures) reduced by 5%
 - 22.2.3 Additional fishing closure within 2 nautical miles (NM) (3km) of shore along entire Hawke's Bay coastline.
 - 22.3 Scenario 2
 - 22.3.1 Sediment input reduces from all major rivers by 15% over 30 years (starting 2027)
 - 22.3.2 Fishing effort changed in two spatial areas
 - 22.3.2.1 Area A: Inshore of a line between Mahia and Cape Kidnappers and a section off the mouth of the Pōrangahau River, reduced by 30%
 - 22.3.2.2 Area B: Everywhere else within 200 m depth contour, reduced by 10%
 - 22.3.3 No change in fishing closures.
 - 22.4 Scenario 3
 - 22.4.1 Sediment input reduces from all major rivers by 25% over 40 years (starting 2027)
 - 22.4.2 Fishing effort to 200m depth (outside of existing closures) reduced by 15%
 - 22.4.3 No change in fishing closures.
 23. The model revealed that all scenarios with decreases in sedimentation and fishing intensity resulted in the same amount of benthic structure (i.e., seafloor health) recovery. Results per scenario are as follows:
 - 23.1 Baseline scenario – gradual continual decline in benthic structure
 - 23.2 Scenario 1 – benthic structure remains like current levels until a gradual increase from 2040 to 2055 with a plateau after that
 - 23.3 Scenario 2 – benthic structure remains like current levels until a gradual increase from 2040 to 2050 with a plateau after that
 - 23.4 Scenario 3 – benthic structure remains like current levels until a gradual increase from 2035 to 2045 with a plateau after that.
 24. HBMaC used the model results and assessed the socio-ecological flow through impacts using the Systems Map in an analogue simulation process. Specifically, they assessed the following social aspects:
 - 24.1 Fisher satisfaction
 - 24.2 Cultural identity
 - 24.3 Community wellbeing.
 25. Even though the model and analogue simulation process had some limitations, stage two of the process revealed some important insights. For example:

- 25.1 Satisfaction, cultural identity and wellbeing fluctuated over time depending on when actions were taken and when benthic structure recovery started to occur
- 25.2 Ongoing action would be necessary because of time delays in benthic structure recovery and maximum potential of stressor reduction amounts.
- 26. This project highlights some important connections between the ecology of the coastal marine area and its effect on the community. It provided an opportunity for HBMaC to start discussing multiple and competing values, work that is necessary to implementing EBM.

Next Steps

- 27. HBMaC will discuss how the results from this project fit in with their Research Roadmap and how they plan to use this information for recommendation. Some members of the group have already shared how they plan to share the project results within their respective agencies.

Decision Making Process

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

Recommendation

That the Māori Committee receives and notes the *Sustainable Seas project outcomes* staff report.

Authored by:

Becky Shanahan
SENIOR SCIENTIST MARINE & COASTS

Approved by:

Anna Madarasz-Smith
MANAGER SCIENCE

Iain Maxwell
GROUP MANAGER INTEGRATED CATCHMENT
MANAGEMENT

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 14 September 2022

Item 8

Subject: REGIONAL SPATIAL STRATEGY AND RELATED MATTERS UPDATE**Reason for Report**

1. This report provides an overview and update on work underway to prepare for developing a 'Regional Spatial Strategy' (RSS) for the Hawke's Bay region.
2. A report very similar to this one has been (or soon will be) presented to each of the five main Hawke's Bay councils by their respective lead planning staff. A report similar to this was first presented to the Hastings District Council's Strategy and Policy Committee meeting on 23 June 2022. Due to meeting scheduling arrangements to fit around the recent series of 'All Governors' hui, this report is now presented to the Regional Planning Committee.

Executive Summary

3. Leaders of the five main councils in Hawke's Bay have been considering undertaking a Regional Spatial Strategy (RSS). This consideration has been prompted in part by the Government's indication it will introduce a Spatial Planning Act as part of its resource management system reforms. If passed into law, the proposed Act will require regional spatial strategies to be developed as a basis for integrated strategic planning and to form the basis for proposed Natural and Built Environment Plans – one for each region.
4. Following on from the Regional Collaboration Day on 7 March 2022, staff from the region's councils have commissioned¹ a scoping report to consider and make recommendations on key matters to be addressed in a RSS. These include the purpose and principles for the RSS, key matters to be addressed to achieve that purpose, governance, senior management and technical support arrangements, roles and responsibilities, project management and support arrangements and estimated resourcing requirements. Work to prepare the scoping report will also include engagement with Māori organisations in the region on the appropriate arrangements for Māori leadership, involvement and engagement in the development, shaping and determining of the RSS and its component elements. Overall, the scoping report will provide a framework for the establishment of a RSS to be agreed upon by regional leaders, including councils, iwi/Māori and government agencies. The scoping report is expected to be completed in time for incoming councils to consider it in November 2022.
5. The scoping report is a key step in the effective establishment of the RSS partnership and process. Experience in other locations indicates that getting the establishment phase right is key to the success of the spatial planning process and outcomes, and for achieving partner buy-in and commitment.
6. This report also notes related statutory planning processes that some Hawke's Bay councils have to undertake ahead of or partially alongside the development of the RSS. These include the Kotahi Plan by the Hawke's Bay Regional Council, and the Future Development Strategy for the Napier-Hastings Urban Environment (Hawke's Bay Regional Council, Napier City Council and Hastings District Council).
7. The report recommends that the approach to the RSS and related planning matters, and the commissioning of the scoping report for the RSS be noted.

¹ Hastings District Council are leading the procurement of professional services. Hastings District Council are the principal funders of the RSS scoping report for the 2022/23 period.

Background

8. The Government has signalled major reform of New Zealand's Resource Management System. The system review and policy work carried out to date has signalled that the Resource Management Act 1991 will be replaced by a Spatial Planning Act, a Natural and Built Environments Act and a Climate Change Adaptation Act. The Spatial Planning Bill and the Natural and Built Environments Bill are likely to be introduced into Parliament in late-2022, with the Climate Change Adaptation Bill likely to follow in late 2023. There will be a Select Committee submissions process once those Bills are introduced. This will be when the Government's proposals are laid out in far more detail than presently available.
9. The proposed Spatial Planning Act (SPA) will seek to integrate planning law with other legislation relevant to development (for instance the Local Government Act, the Land Transport Management Act, the proposed Natural and Built Environments Act and the Climate Change Response Act) and will introduce a requirement for long-term regional spatial strategies to be prepared for each region. The Government has signalled that the proposed SPA will introduce a regional approach to spatial planning, with involvement from councils, iwi/Māori and relevant Government agencies.
10. While regional spatial strategies are not yet a legal requirement, there has been discussions in Hawke's Bay about commencing development of a Regional Spatial Strategy (RSS). There have also been signals from central Government about the possibility of selecting a number of regions to act as pilot regions for RSS development when the Strategic Planning Act comes into effect. Those pilot regions would be the first 'tranche' of regions to prepare Regional Spatial Strategies with the remaining regions to follow in two or three more tranches.
11. The Mayors and Chair of the five Hawke's Bay councils have led the discussion on the possibility of a RSS. The matter was also discussed at the Regional Collaboration Day in March where there appeared to be consensus support for a scoping report on the RSS to be developed.
12. Following the Regional Collaboration Day, staff from the region's councils have worked collaboratively to commission a scoping report which includes the development and reaching agreement on a scoping report brief.
13. It was agreed by the councils' Chief Executives on 20 May 2022 that a progress report be prepared to inform the region's five main councils on the context for spatial planning work in Hawke's Bay, the approach being taken to the RSS scoping report, other planning matters required to be addressed, and to update councils on progress.

Discussion

Spatial planning

14. While the Spatial Planning Bill has not yet been introduced to Parliament, there are examples of spatial planning that have occurred around New Zealand prior to the current signalled legislative reform process. Auckland Council was required to develop a spatial plan under amendments made to the Local Government Act in 2010. According to that legislation, *"the purpose of the spatial plan is to contribute to Auckland's social, economic, environmental, and cultural well-being through a comprehensive and effective long-term (20- to 30-year) strategy for Auckland's growth and development."* As well as providing a strategic direction for Auckland and its communities and setting out a high-level development strategy, the plan is intended to *"enable coherent and co-ordinated decision making by the Auckland Council ... and other parties to determine the future location and timing of critical infrastructure, services, and investment within Auckland..."*
15. The most recent spatial plan is Auckland Plan 2050 which was adopted in 2018. The Plan outlines major challenges for Auckland and sets the direction for tackling these challenges. It identifies key focus areas and related desired outcomes that include *Belonging and Participation, Māori Identity and Wellbeing, Homes and Places, Transport and Access, Environment and Cultural Heritage, and Opportunity and Prosperity*, and identifies key

Item 8

organisations that will play important roles in delivering those outcomes. The Plan also incorporates a Development Strategy that shows how Auckland will physically grow and change over the next 30 years, taking account of the outcomes sought, population growth projections and planning rules within the Auckland Unitary Plan (a combined district plan and regional plan).

16. The legislative mandate for Auckland's Spatial Plan provides a formal basis for central government involvement and for integration of the plan content and provisions into other parts of the planning and investment framework for Auckland.
17. There have also been examples of voluntary spatial planning arrangements involving multiple local authorities, iwi/Māori and some Government agencies around the country. These have included SmartGrowth in the Western Bay of Plenty sub-region, Future Proof (the Hamilton-Waikato Metropolitan Spatial Plan), and the Greater Christchurch Partnership and Urban Development Strategy. These projects have all enabled councils and iwi/Māori to work together effectively on growth management and spatial planning. However, the lack of both a specific legislative basis and having an effective partnership in place has meant that Government agency involvement has been variable, and related commitment and resourcing has sometimes been lacking in some circumstances.
18. In the Hawke's Bay context, the Heretaunga Plains Urban Development Strategy (HPUDS) is an example of spatial planning. Developed between the Hawke's Bay Regional Council, Napier City Council and Hastings District Council, with governance, stakeholder and technical input from Ngati Kahungunu Iwi Incorporated and other iwi/Māori organisations, HPUDS is focused on urban development in the Heretaunga Plains sub-region. Although a good example of spatial planning, HPUDS has its limitations due to its limited scope on growth management, its constrained geography and the fact that it does not really facilitate supporting infrastructure or seek to propose climate change mitigation measures. It also lacks a legislative mandate and relies for implementation and enforceability on key provisions and policies being adopted into the Regional Policy Statement and District Plans.
19. The New Zealand experience with spatial planning suggests that legislative backing, via the proposed Spatial Planning Act, will be highly beneficial in creating an effective RSS. In particular, it will give legal mandate to the process and to the policies and planning framework that emerge, as well as compelling greater central Government engagement and investment. With work on establishing the RSS process having recently commenced, it is likely that the RSS process will align well with the passage of legislation through Parliament and, potentially, the Government's selection of pilot regions after the Spatial Planning Act is enacted.
20. It is clear from signals from Government to date that partnering with iwi/Māori will be a key foundation for any RSS. Accordingly, partnering arrangements with iwi/Māori and related resourcing need to be one of the priority areas with the work to establish the RSS process.

Preparations for developing a RSS for Hawke's Bay

21. In contemplating a RSS for Hawke's Bay, an officer working group has been established to consider and formulate an approach to undertaking its development. This working group includes the following staff from each of the five councils: the senior management staff member responsible for planning, the senior officer responsible for iwi/Māori relationships and other technical planning staff as appropriate.
22. These staff have worked together to develop a brief for the development of a scoping report for the RSS. The brief provides that the scoping report will outline and recommend (for consideration by the councils and other project partners) the purpose and principles for the RSS, key matters to be addressed to achieve that purpose, governance, senior management and technical support arrangements, roles and responsibilities, project management and support arrangements and estimated resourcing requirements. The scoping report will provide a recommended framework for the establishment of a RSS to be agreed upon by regional leaders,

including councils, iwi/Māori and government agencies. The shape of the emerging Spatial Planning Bill may also influence such a framework.

23. The scoping report phase and the engagement and programme planning work that underpin it are vitally important in the RSS process. Experience elsewhere around New Zealand indicates that getting the establishment phase right is essential for the success of the RSS development process. Cutting corners on initial engagement and failing to get buy-in and commitment from partners leads to problems in the process further down the track, and a potential lack of commitment to adopt and subsequently implement the strategy.
24. Preparation of the scoping report is being led by Bill Wasley Consulting Limited, a consultancy with extensive experience in spatial planning work. The project team for the scoping report includes expertise in iwi/Māori input into spatial planning exercises.
25. As part of the work to prepare the scoping report, the consultants will engage with Māori organisations in the region on the appropriate arrangements for Māori leadership, involvement and engagement in the development, shaping and determining of the RSS and its component elements. This is considered a vital part of the establishment phase of the RSS.
26. The work to be undertaken as part of the RSS scoping report, particularly the engagement with partner organisations, is extensive and will proceed over a number of months. The scoping report is scheduled to be completed in time for incoming councils to consider its recommendations in November 2022.

Related statutory obligations

27. With the lack of a statutory mandate for a RSS prior to resource management reform legislation being finalised, there are, as yet, no fixed timeframes for the RSS. There are, however, statutory requirements on some of the councils in the region to prepare other planning documents. A number of these overlap with the likely scope of the RSS.
28. The Hawke's Bay Regional Council (HBRC) has requirements on it under the National Policy Statement on Freshwater Management (NPS-FM) to implement the NPS provisions. To this end, the HBRC is required to prepare and publicly notify a regional plan giving effect to the NPS-FM by 31 December 2024. Alongside this requirement, the HBRC is also required by the Resource Management Act to review its Regional Coastal Environment Plan (RCEP) as well as the Regional Resource Management Plan (RRMP) which includes the Regional Policy Statement (RPS). Together, these plans and policy statements are the major resource management planning instruments for the region. This extensive work programme is bundled to form the Kotahi Plan which has been previously presented to the Council and various committees (including the Regional Planning Committee and HBRC's Māori Committee).
29. In addition, the National Policy Statement on Urban Development (NPS-UD) requires the Hawke's Bay Regional Council, Napier City Council and Hastings District Council to prepare a Future Development Strategy (FDS) for the Napier-Hastings Urban Environment. The FDS has a core focus on the provision of development capacity. It needs to set out how local authorities involved will achieve well-functioning urban environments and ensure at least sufficient development capacity, that is both plan and infrastructure-enabled, over a 30 year period. The FDS must be completed and adopted (including public consultation under the Special Consultative Procedure) by 30 June 2024. The FDS will effectively replace HPUDS which is due in any case for its scheduled second review.
30. Officers from the three councils are working on recommendations for the programme, resourcing approach and engagement and governance arrangements for the FDS. These will be reported to the councils and other agencies involved in the FDS in the second half of 2022, and will be developed alongside the scoping report for the RSS.
31. Kotahi and the FDS will address matters that are central to the RSS. They are required to be undertaken ahead of the completion of the RSS. Both involve substantial work that the councils involved will wish to avoid duplicating. The only viable approach to this situation is that work

Item 8

needs to proceed on the FDS and Kotahi in the immediate term, and that the documents and the work underpinning them will form key building blocks of the RSS. There will be a need to keep those RSS partners not centrally involved in the FDS and Kotahi processes apprised on progress, with the ability for them to input where appropriate.

32. As an illustration, the Chief Executive of the Central Hawke's Bay District Council (CHBDC) has indicated his Council's interest in having some level of involvement in the FDS. This makes sense as growth pressures centred in the Napier-Hastings Urban Environment are also affecting Central Hawke's Bay. The three councils required to develop the FDS have agreed at officer level to enable appropriate involvement from both CHBDC and Wairoa District Council in the FDS process, to make the FDS process transparent to both of those councils, and to consider impacts on those districts from growth and the proposed planning approaches.
33. Committee members will be well aware that the RMA-related plan-making functions of HBRC are overseen by the Regional Planning Committee. The existence and role of this governance mechanism will need to be considered carefully in the formulation of governance arrangements for the RSS, and as work is undertaken in respect of the FDS to implement requirements of the NPS-UD.

Next Steps

34. Senior staff from each of those five councils will continue to oversee work to produce the scoping report for the RSS. This will be carried out between now and late October. The scoping report, including recommendations to the partner organisations, will be available in November 2022 for the respective incoming councils to consider.

Decision Making Process

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

Recommendation

That the Regional Planning Committee receives and notes the *Regional Spatial Strategy and Related Matters Update* staff report.

Authored by:

Gavin Ide
PRINCIPAL ADVISOR STRATEGIC PLANNING

Approved by:

Katrina Brunton
GROUP MANAGER POLICY & REGULATION

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 14 September 2022

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.

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 & PLANNING

Mary-Anne Baker
TEAM LEADER POLICY & PLANNING

Ceri Edmonds
MANAGER POLICY & PLANNING

Approved by:

Katrina Brunton
GROUP MANAGER POLICY & REGULATION

Attachment/s

- 1 [1](#) September 2022 RMA projects Update

September 2022 RMA projects Update

Attachment 1

Status Report on HBRC Resource Management Plan Change Preparation & Review Projects (as at 1 September 2022)

Updates are in green underlined text

Project	Narrative update	Next intended reporting to RPC
<u>'PC7' Outstanding waterbodies plan change</u>	<ol style="list-style-type: none"> Publicly notified on 31 August 2019, 41 submissions were received, 19 further submissions. Decisions on submissions were issued on 26 June 2021. A full copy of the decision can be viewed online: https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/Decision-of-the-Independent-Hearing-Panel-PC7.pdf The following parties have lodged appeals with the Environment Court: <ol style="list-style-type: none"> The Māori Trustee Royal Forest and Bird Protection Society of New Zealand Incorporated Te Taiwhenua o Heretaunga, Te Runanganui o Heretaunga, Te Manaaki Taiao o Heretaunga and Ngāti Kahungunu Iwi Incorporated. A copy of each of these appeals can be viewed at https://www.hbrc.govt.nz/tauhake-bay/projects/outstanding-water-bodies/ The appeals have proceeded through the Environment Court's processes with the first mediation being held on 27 October 2021. Council filed a reporting memorandum with the Environment Court on 12 November 2021, advising on the progress of matters and requesting mediation dates for the first half of February 2022 A hui was held on 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. A further reporting date of 14 March 2022 has been granted by the Environment Court to enable further mediation to occur. Subsequent mediation occurred in February, April and July 2022. <u>Parties are finalising their positions to report back to the Environment Court.</u> 	Updates from staff as and when new information becomes available.

Attachment 1 Item 11

Attachment 3 Item 4

September 2022 RMA projects Update

Attachment 1

Project	Narrative update	Next intended reporting to RPC
Mohaka Catchment Policy Development for Kotahi	<p>11. Under preparation. Not yet notified.</p> <p>12. 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>13. Website updated with information gathered during initial community engagement pre-Christmas 2020 on catchment values and issues.</p> <p>14. Public meeting at Te Pohue 25 March 2021 to introduce wider community to the Mohaka catchment policy development work</p> <p>15. A wananga was held by NPDT in the Taupo on the 14-15 June 2021 as part of the Maori-led workstream.</p> <p>16. A verbal update was provided to the RPC 1 September 2021.</p> <p>17. Last quarter of 2021 Ngāti Pāhauwera 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.</p> <p>18. An update was provided to the All Governors meeting on 22 June 2022.</p>	Update on catchment values work anticipated early 2022
'PC9' Greater Heretaunga/ Ahuriri catchment area plan change (aka TANK)	<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. A Hearings Panel of commissioners was appointed to hear and decide matters on submissions. The hearings panel consists of Antoine Coffin (Chair), Dr Brent Cowie, Dr Greg Ryder, Dr Roger Maaka, and Rauru Kirikiri.</p> <p>22. Hearings commenced on 24 May 2021 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>23. A further hearing day was held on 27 September 2021. The further day was specifically about water quantity aspects of PPC9.</p> <p>24. The hearings were closed on 22 August 2022 and we are waiting on a decision from the commissioners.</p>	Updates from staff as and when new information becomes available.

September 2022 RMA projects Update

Attachment 1

Project	Narrative update	Next intended reporting to RPC
Implementation of National Policy Statement on Urban Development 2020 (NPS-UD)	<p>25. The three councils are jointly responsible for developing a 'Future Development Strategy' for the Napier-Hastings urban area by 2024. That Strategy would sit outside of the Regional Policy Statement and regional plans (much like the existing Heretaunga Plains Urban Development Strategy).</p> <p>26. To inform the Future Development Strategy, the three councils have commissioned a technical assessment of the 2020-2050 business (i.e. industrial and commercial) land demand and supply for the Napier-Hastings urban area. That work is expected to be completed in late 2022.</p>	Updates from staff as and when new information becomes available.
Ngaruroro and Clive Rivers Water Conservation Order	<p>27. The Environment Court hearing on the Water Conservation Order began on 9 February 2021. Court proceedings were scheduled to adjourn on 19 February 2021. However, due to COVID Level 3 restrictions in Auckland the second week of the Environment Court hearing did not proceed.</p> <p>28. Hearings were rescheduled and held during the week of 14 June 2021.</p> <p>29. HBRC staff will provide an update when the Court's decisions on the WCO is made available.</p> <p>30. For more information, see: https://www.epa.govt.nz/public-consultations/decided/water-conservation-order-ngaruroro-and-clive-rivers/</p>	Updates from staff as and when new information becomes available.
Statutory Acknowledgements of Treaty settlements	<i>Refer to Pātaka online mapping tool for further information [website link] about current Statutory Acknowledgements in Hawke's Bay region that have been passed in various Treaty settlement statutes.</i>	Updates from staff as and when new information becomes available.

Attachment 1 Item 11

Attachment 3 Item 4

HAWKE'S BAY REGIONAL COUNCIL

REGIONAL PLANNING COMMITTEE

Wednesday 14 September 2022

SUBJECT: SEPTEMBER 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 *September 2022 Statutory Advocacy update* staff report.

Authored by:

Nichola Nicholson
INTERMEDIATE POLICY PLANNER

Gavin Ide
PRINCIPAL ADVISOR STRATEGIC PLANNING

Ceri Edmonds
MANAGER POLICY & PLANNING

Approved by:

Katrina Brunton
GROUP MANAGER POLICY & REGULATION

Attachment/s

1 [Download](#) September 2022 Statutory Advocacy Update

September 2022 Statutory Advocacy Update

Attachment 1

Attachment 1 Item 12

Statutory Advocacy Update (as at 1 September 2022)

Note: updates since reporting for previous Māori Committee meeting (6 April 2022) are provided in **red** text.

Table 1: National Proposals

Received	Proposal	Agency	Status	Current Situation
10 Aug 2022	Managing our wetlands in the coastal marine area A discussion document released by MFE outlining options to resolve ambiguities in how coastal wetlands are addressed in the NPS for Freshwater Management and the National Environmental Standards for Freshwater 2020. This follows on as a separate proposal for consultation from the May/June release of an exposure draft of amendments to the NPS-FM and NES-F (see below).	Ministry for the Environment	Public feedback due 21 Sept 2022	Council staff are reviewing MFE's proposals. Preliminary assessment indicates that MFE's preferred approach is well-aligned to positions previously advocated by HBRC and the wider collective of NZ's regional councils and unitary authorities. Discussion document identifies that MFE's preferred approach is to amend the NES-F so that it does not apply to natural wetlands within the coastal marine area, i.e. that the NES-F would apply to only inland natural wetlands.
31 May 2022	Exposure drafts of amendments to the National Policy Statement for Freshwater Management 2020 and the National Environmental Regulations – Freshwater 2020 Amendments were drafted for: 1. altering the regulations applicable to various types of activities occurring in or near wetlands; and 2. technical or clarification reasons.	Ministry for the Environment	Submissions closed 10 July 2022	A copy of HBRC's submission on the exposure draft amendments can be found at HBRC Submissions . Te Uru Kohiko (the collective of NZ's regional councils and unitary authorities) also made comprehensive submissions on the proposed amendments.
10 Feb 2021	Reforming the Resource Management System The Government plans to repeal the Resource Management Act 1991 (RMA) and replace it with three new pieces of legislation. The reform is based on the findings of the comprehensive review of the resource management system which were released last year (see to earlier proposal below). https://www.mfe.govt.nz/rma/resource-management-system-reform	Ministry for the Environment (lead) in association with various other Ministries	Information only (for now)	Environment Minister Hon David Parker is quoted as recently saying that both the full Natural and Built Environments Bill and the Spatial Planning Bill will be introduced into Parliament in October 2022 , thereafter there will be an opportunity to make submissions through a 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.

Page | 1

September 2022 Statutory Advocacy Update

Attachment 1

Received	Proposal	Agency	Status	Current Situation
9 June 2022	Exposure Draft National Policy Statement for Indigenous Biodiversity (NPS-IB) The NPS-IB sets out the objectives and policies to identify, protect, manage and restore indigenous biodiversity under the Resource Management Act 1991. https://www.mfe.govt.nz/publications/biodiversity/draft-national-policy-statement-indigenous-biodiversity	Ministry for the Environment	Public feedback on Exposure Draft closed 21 July 2022	MFE released an Exposure Draft of the NPS-IB on 9 June 2022. Deadline for public submissions was 21 July 2022. Ministers and MFE officials are considering the feedback received prior to finalising the NPS-IB. A copy of HBRC's submission on the NPS-IB exposure draft can be found at HBRC Submissions .
14 Aug 2019	National Policy Statement – Highly Productive Land (NPS-HPL) MPI and MFE have prepared a draft NPS to improve the way highly productive land is managed under the RMA. https://www.mpi.govt.nz/news-and-resources/consultations/proposed-national-policy-statement-for-highly-productive-land/	Ministry for Primary Industries	Public feedback closed 10 October 2019. Anticipating announcement by Minister ~Sept 2022	Previously, in October 2019 HBRC, NCC, HDC and CHBDC made a joint submission which can be found at HBRC Submissions . Planning staff are anticipating announcement and release of NPS-HPL sometime in Sept/Oct 2022.
27 Apr 2022	National [Climate Change] Adaptation Plan In August 2022, the Government released a final version of its first National climate change Adaption Plan ("NAP"). The NAP follows on from findings and recommendations of the first National Climate Change Risk Assessment released in 2020. The first NAP brings together in one place the Government's current efforts to help build NZ's climate resilience. It also sets out a proposed future work programme, indicating the Government's priorities for the next six years. The NAP is to be reviewed six-yearly. https://environment.govt.nz/what-government-is-doing/areas-of-work/climate-change/adapting-to-climate-change/national-adaptation-plan/	Ministry for the Environment	Final	

September 2022 Statutory Advocacy Update

Attachment 1

Attachment 1 Item 12

Table 2: Territorial Local Authority Proposals

Received	TLA	Proposal	Applicant/ Agency	Status	Current Situation
March 2019	NCC	Napier City Council District Plan Review & Spatial Picture	Napier City Council	Draft District Plan consultation period closed (was 6 August - 24 September 2021)	Napier City Council released their draft district plan and spatial picture with an extended the submission period to the 24 September 2021 due to Covid-19. A copy of the HBRC submission to the Draft District Plan can be found here and the HBRC submission to the Spatial picture can be found here . The timeline and further information can be found on the NCC website https://www.napier.govt.nz/our-council/plans-strategies-reports/napiers-district-plan/district-plan-review/ .
28 May 2021	CHBDC	Central Hawke's Bay District Plan Review CHBDC have undertaken a full review of the District Plan. A new proposed district plan was publicly notified on 28 May 2021.	Central Hawke's Bay District Council	CHBDC commenced hearings March 2022. Series of hearings ongoing during 2022	<ul style="list-style-type: none"> First of series of hearings commenced in March 2022 at Waipawa. Hearing Stream #5 scheduled to commence on 7 September 2022 relating to subdivision and natural hazard themes. Refer to CHBDC's Hearings Portal for more information. HBRC's submission was lodged on 6 August. A copy of HBRC's submission can be found at HBRC Submissions.

Table 3: Other Proposals

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

Page | 3

September 2022 Statutory Advocacy Update

Attachment 1

Received	Proposal	Agency	Status	Current Situation
24 July 2017	Application for Water Conservation Order (WCO) Application for a WCO for the Ngaruroro River & Clive River	Applicants NZ Fish & Game Council, HB Fish & Game Council; Whitewater NZ; Jet Boating NZ; Operation Patiki Ngāti Hori ki Kohupatiki Marae; Royal Forest & Bird Protection Society	Special Tribunal Recommendation on Report Released. Environment Court Inquiry in progress	<ul style="list-style-type: none"> The Environment Court hearing began on 9 February 2021. Court proceedings were scheduled to adjourn on 19 February 2021. However, due to COVID Level 3 restrictions in Auckland the second week of the Environment Court hearing did not proceed. Hearings were rescheduled and held during the week of the 14 June 2021. HBRC staff will provide an update when the Court's decisions on the WCO are made available. <p>For more information, see: https://www.epa.govt.nz/public-consultations/decided/water-conservation-order-ngaruroro-and-clive-rivers/</p>
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)	High Court decision released 22 December 2021, now subject to appeals Stage 2 High Court hearing commenced 23 May 2022 at Napier	<ul style="list-style-type: none"> Previously... High Court commenced a 'Stage 2 hearing' in Napier on 23 May 2022 to consider form of orders. Two weeks have been timetabled for this Stage 2 hearing. HBRC submitted evidence regarding consents held in relation to the Waipatiki mussel farm. Notwithstanding commencement of the Stage 2 hearing, several parties have lodged appeals against High Court's decision made in December 2021. Decision can be found here https://www.courtsofnz.govt.nz/assets/5-The-Courts/high-court/high-court-lists/marine-and-coastal-area-takutai-moana-act-2011-applications-for-recognition-orders/20211222-Re-Ngati-Pahauwera.pdf No further updates at time of writing



Minutes of a Meeting of the Regional Planning Committee

Date:	Wednesday 14 September 2022
Time:	10.00am
Venue:	Council Chamber Hawke's Bay Regional Council 159 Dalton Street NAPIER
Present:	A Hiha – Chair <i>Mana Ahuriri Trust</i> Cr R Barker Cr W Foley – Deputy Co-chair K Brown – <i>Te Kopere o te Iwi Hineuru (from 11.22am)</i> Cr C Foss T Hopmans – <i>Maungaharuru Tangitū Trust (online)</i> L Kele – <i>Heretaunga Tamatea Settlement Trust</i> N Kirikiri – <i>Te Toi Kura O Waikaremoana (online)</i> Cr C Lambert Cr H Ormsby K Ropiha – <i>Heretaunga Tamatea Settlement Trust</i> Cr J Taylor T Thornton – <i>Ngati Pahauwera Development & Tiaki Trusts</i> Cr J van Beek Cr M Williams
In Attendance:	J Palmer – Chief Executive K Brunton – Group Manager Policy & Regulation P Munro – Te Pou Whakarae Māori Partnerships M-A Baker – Team Leader Policy and Planning D Cull – Strategy and Governance Manager C Edmonds – Manager Policy & Planning R Ellison – Independent Advisor <i>(online)</i> G Ide – Principal Advisor Strategic Planning N Nicholson – Intermediate Policy Planner S Young – Group Manager Corporate Services A Roets – Governance Advisor

1. Welcome/Karakia /Apologies/Notices

The Chair, Allana Hiha welcomed everyone to the meeting. Pieri Munro opened with a karakia and called for a minute of silence in remembrance of Her Majesty the Queen's passing last week.

RPC16/22 Resolution

That the apologies for absence from Apiata Tapine, Mike Mohi and Cr Neil Kirton be accepted.

Hiha/Barker
CARRIED

2. Conflict of Interest declarations

There were no conflicts of interest declared.

3. Confirmation of Minutes of the Regional Planning Committee meeting held on 15 June 2022**RPC17/22 Resolution**

Minutes of the Regional Planning Committee meeting held on Wednesday, 15 June 2022, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

Hiha/Barker
CARRIED

4. Follow-ups from previous Regional Planning Committee meetings

James Palmer introduced the item which was taken as read.

In terms of Item 1 'Formal written agreement to the 2019 agreed Terms of Reference':

- Letters have been sent to the appointers. No feedback received to date. Another email will be sent this afternoon and it was requested that the tāngata whenua representatives be copied into the email to urge the appointers to act.

RPC18/22 Resolution

That the Regional Planning Committee receives the report *Follow-ups from previous Regional Planning Committee meetings*.

van Beek/Foley
CARRIED

5. Call for Minor Items not on the Agenda

There were no minor items raised.

6. Tāngata Whenua Representatives Remuneration review

Pieri Munro introduced the item, and discussions traversed:

- Some matters to consider for the Terms of Reference (ToR) were provided to tāngata whenua members yesterday
- For clarity, the Remuneration Authority is responsible for setting Councillor fee levels and fee structures, but they are not responsible for Committee Members and Committee fees, which are set by Council itself
- Clause 13.2 in the ToR state 'the level of remuneration shall be determined promptly following each triennial election of Councillors by two independent persons'. This implies the reviewers' decision is not subject to confirmation by HBRC, which appears to be inconsistent with the ToR.
- Obvious efficiencies of appointing one reviewer as opposed to two as per ToR
- Regional Planning Committee (RPC) and Māori Committee are two different entities with

very different roles and will be considered separately but by the same reviewer.

- RPC needs to agree on what organisations will be used as comparisons as there are very few, if any, equivalents to the RPC
- relevance of the Cabinet Fees framework questioned
- Review process to be clarified. RPC ToR set out a number of criteria for the review which should be restated in scope for the review
- Important to ensure the review recognises that all members of RPC are sitting in governance roles
- no defined appeal process associated with the remuneration review - would be useful for all parties to agree on a process for receiving a draft determination from Strategic Pay, retaining the ability to address any obviously incorrect application of the agreed criteria prior to the final determination being made
- TWR comfortable in principle with Strategic Pay being engaged to undertake the review, subject to agreement on the process and criteria for the review
- Propose that Strategic Pay presents a draft review report to the RPC and MC for consideration and feedback before it goes to Council for decision.

RPC19/22 Resolutions

That the Regional Planning Committee:

1. Receives and considers the *Tāngata Whenua Representatives' Remuneration Review* 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 Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.
3. Agrees to Strategic Pay being appointed as the sole Appointee to undertake the independent review of remuneration for Tāngata whenua Representatives on the Regional Planning Committee subject to agreement on the process and criteria for the review.
4. Delegates the authority to finalise the process and criteria for the RPC Remuneration Review to the HBRC Chair, and RPC members Allana Hiha and Mike Mohi on behalf of the Tāngata whenua Representatives to the Regional Planning Committee.
6. Agrees the remuneration of members of the Māori Committee is not a matter for the Regional Planning Committee and must be determined between the Hawke's Bay Regional Council and members of the Māori Committee.

Kele/Taylor
CARRIED

7. Sustainable Seas Project Outcomes

This item was withdrawn.

8. Regional Spatial Strategy and related matters update

Gavin Ide introduced the item which was taken as read. Discussions noted:

- Work is underway to prepare for development of a Regional Spatial Strategy as required by the central government's programme of reforms
- the 'senior officer responsible for iwi/Māori relationships' is expected to be representing iwi and hapu interest in this process – this person cannot represent the interest of iwi and hapu and would recommend that tāngata whenua requests the Councils and/or working group to engage directly with tāngata whenua immediately
- While it states the project team for the scoping report includes expertise in iwi/Māori input

into spatial planning expertise, there is no further detail on who or what this expertise is, how that expertise relates to the situation in HB or how tāngata whenua in the HB region will be involved in this process

- There has been no involvement or discussion with tāngata whenua on this process to date. While the process is only at the scoping report stage, it is critical to the ultimate success of this process that tāngata whenua are engaged throughout. Particularly given the matters being considered in the scoping report
- iwi resources are already under significant pressure with existing workloads, and this will increase further with the Kotahi Plan under development, so TWR do not support HB being proposed as one of the model plan regions for the roll out of the Spatial Planning Act.
- The role of the RPC, initially established as a result of the Pāhauwera Treaty settlement, needs to be clarified as a matter of urgency if the RSS continues to progress as proposed.
- NCC and HDC have become increasingly concerned about their ability to manage the development pressure in Heretaunga
- Parallel attempts made to engage with the Council's Māori Committee and the RPC as presented today, to start conversations
- None of the activity can be achieved without funding for the capability and capacity of our mana whenua
- The Crown has appropriated significant funding for implementation of the reforms, and Council would like to see substantial funding for mana whenua participation and for long term capability and capacity building to enable the co-development our region's future under this framework.

RPC20/22 Resolution

That the Regional Planning Committee receives and notes the *Regional Spatial Strategy and related matters update* staff report.

**Hiha/Foley
CARRIED**

9. Verbal update on Kotahi Community drop-in sessions

Ceri Edmonds and Nichola Nicholson gave an update on the recent drop-in sessions undertaken. Discussions highlighted:

- Nine of the planned 13 meetings held across the region with good feedback received from communities
- One on one approach has allowed time for quality input and successful engagement
- A social media campaign '*let's talk—a new way to have your say*' has been developed
- Next steps will be analysis of feedback for report back to the All Governors Forum early 2023.

RPC21/22 Resolution

That the Regional Planning Committee receives and notes the *Verbal update on Kotahi community drop-in sessions*.

**Hiha/Kele
CARRIED**

10. Verbal update on TANK Plan Change decisions

Ceri Edmonds and Mary-Anne Baker introduced the item with discussions highlighting:

- TANK Plan Change decisions were released on 9 September 2022
- The journey started back in 2012 – it has been a very long process
- Five independent Commissioners appointed by this Committee were given delegated authority to make the TANK Plan Change decisions. They considered the 6000+ points raised by submissions during 3 weeks of hearings.
- A summary of the decisions was circulated to the RPC members.

- Commissioners did not move from the position proposed in the Plan Change for the 90m³ water allocation limit, which has significant impact for water users, and supported the minimum flows proposed.

RPC22/22

Resolution

That the Regional Planning Committee receives and notes the *Verbal update on TANK plan change decisions*.

Barker/van Beek
CARRIED

11. Policy Projects update

The item was taken as read.

- Still awaiting decisions on the water conservation order
- 'PC7' Outstanding Water Bodies – still in mediation. Parties are finalising positions for report back to the Environment Court.
- Mohaka Catchment Policy development now forms part of Kotahi so will not be reported separately in future. Currently holding fortnightly meetings with Bonnie Hatami, Kate McArthur and Catherine Gale (Ngāti Pāhauwera).

RPC23/22

Resolution

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

Hiha/Lambert
CARRIED

12. September 2022 Statutory Advocacy update

The item was taken as read.

RPC24/22

Resolution

That the Regional Planning Committee receives and notes the *September 2022 Statutory Advocacy update* staff report.

Williams/Lambert
CARRIED

13. Discussion of Minor Matters not on the agenda

There were no minor matters raised for discussion.

Pieri Munro led the group offering a karakia to close the meeting.

Closure:

There being no further business the Chair declared the meeting closed at 12.27pm on Wednesday, 14 September 2022.

Signed as a true and correct record.

Date:

Chair:

Subject: January 2023 Policy Projects update

Reason for Report

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

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 *January 2023 Policy Projects update* staff report.

Authored by:

Mary-Anne Baker
Team Leader Policy & Planning

Ceri Edmonds
Manager Policy & Planning

Approved by:

Katrina Brunton
Group Manager Policy & Regulation

Attachment/s

- 1 [📄](#) January 2023 RMA projects update

Status Report on HBRC Resource Management Plan Change Preparation & Review Projects (as at 27 January 2022)

Updates are in green underlined text

Project	Narrative update	Next intended reporting to RPC
'PC7' Outstanding waterbodies plan change	<ol style="list-style-type: none"> Publicly notified on 31 August 2019. 41 submissions were received, 19 further submissions. Decisions on submissions were issued on 26 June 2021. A full copy of the decision can be viewed online: https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/Decision-of-the-Independent-Hearing-Panel-PC7.pdf The following parties have lodged appeals with the Environment Court: <ol style="list-style-type: none"> The Māori Trustee Royal Forest and Bird Protection Society of New Zealand Incorporated Te Taiwhenua o Heretaunga, Te Runanganui o Heretaunga, Te Manaaki Taiao o Heretaunga and Ngāti Kahungunu Iwi Incorporated. A copy of each of these appeals can be viewed at https://www.hbrc.govt.nz/hawkes-bay/projects/outstanding-water-bodies/ <u>Through the last half of 2021 and throughout 2022, parties have had meetings to discuss matters aiming to increase the number of appeal points resolved in a way that may be agreeable to by all parties.</u> <u>In January 2023, the Environment Court confirmed a timetable for evidence exchange and hearing for matters in appeals that parties have been unable to agree.</u> <u>The Court's timetable schedules a hearing commencing on or after 28th August 2023.</u> <u>Council's Evidence in Chief is required to be circulate to parties by 28th April 2023.</u> 	Updates from staff as and when new information becomes available.
'PC9' Greater Heretaunga/ Ahuriri catchment area plan change (aka TANK)	<ol style="list-style-type: none"> The TANK Plan Change was notified on 2 May 2020 A Hearings Panel of commissioners was appointed to hear and decide matters on submissions. The hearings panel consists of Antoine Coffin (Chair), Dr Brent Cowie, Dr Greg Ryder, Dr Roger Maaka, and Rauru Kirikiri. <u>The Panel's decisions were issued on 9th September 2022. Decisions are online¹.</u> <u>Subsequently, seventeen appeals have been filed in the Environment Court. Copies of those appeals are online.²</u> <u>The Environment Court is yet to issue its instructions for next steps for potential Court-assisted mediation sessions involving parties involved in the appeals.</u> 	Updates from staff as and when new information becomes available.

¹ <https://www.hbrc.govt.nz/hawkes-bay/projects/the-tank-plan/tank-decision/>

² <https://www.hbrc.govt.nz/hawkes-bay/projects/the-tank-plan/tank-decision/>

Project	Narrative update	Next intended reporting to RPC
Implementation of National Policy Statement on Urban Development 2020 (NPS-UD)	<p>14. The three councils are jointly responsible for developing a 'Future Development Strategy' for the Napier-Hastings urban area by 2024. That Strategy would sit outside of the Regional Policy Statement and regional plans (much like the existing Heretaunga Plains Urban Development Strategy).</p> <p>15. In December 2022, the three councils each agreed to establish a FDS Joint Committee and have appointed members to that committee. Heretaunga Tamatea Settlement Trust, Mana Ahuriri Trust and Maungaharuru Tangitu Trust have been invited to each appoint two members to that joint committee. Hastings District Council is the 'host' administering authority for the FDS Joint Committee. The Joint Committee would oversee preparation of a draft FDS through the remainder of 2023. A final FDS needs to be completed and adopted by the three councils no later than 30 June 2024 (in time to inform the three Councils' respective long term plans).</p>	Updates from staff as and when new information becomes available.
Ngaruroro and Clive Rivers Water Conservation Order	<p>16. Refer update elsewhere in Committee's agenda for Statutory Advocacy update.</p> <p>17. For more information, see: https://www.epa.govt.nz/public-consultations/decided/water-conservation-order-ngaruroro-and-clive-rivers/</p>	Updates from staff as and when new information becomes available.
Statutory Acknowledgements of Treaty settlements	<p>Refer to Pātaka online mapping tool for further information [website link] about current Statutory Acknowledgements in Hawke's Bay region that have been passed in various Treaty settlement statutes. On 13 December 2022, the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022 was passed by Parliament. Small parts of the area of interest lay within the southern parts of the Hawke's Bay region. A relatively small part of one Statutory Acknowledgement Area (the coastal marine area) is within the offshore parts of the HB region. All other statutory acknowledgement areas in this Act fall outside of the Hawke's Bay region.</p>	Updates from staff as and when new information becomes available.

Hawke's Bay Regional Council
Regional Planning Committee

15 February 2023

Item 7

Subject: January 2023 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 *January 2023 Statutory Advocacy update* staff report.

Authored by:

Gavin Ide
Principal Advisor Strategic Planning


Nichola Nicholson
Team Leader Policy & Planning

Ceri Edmonds
Manager Policy & Planning

Approved by:

Katrina Brunton
Group Manager Policy & Regulation

Attachment/s

- [1](#)  January 2023 Statutory Advocacy update

Statutory Advocacy Update (as at 27 January 2023)

Note: updates since reporting for previous Regional Planning Committee meeting (14 September 2022) are provided in red text.

Table 1: National Proposals

Received	Proposal	Agency	Status	Current Situation
10 Aug 2022	Managing our wetlands in the coastal marine area A discussion document was released by MFE outlining options to resolve ambiguities in how coastal wetlands are addressed in the NPS for Freshwater Management and the National Environmental Standards for Freshwater 2020. Those proposals have now been finalised and gazetted.	Ministry for the Environment	NPS-FM and NES-F amended in Dec 2022	Amendments have been approved and finalised. The amendments came into legal effect from 8 December 2022. In short, the NES-F is amended so that it does not apply to natural wetlands within the coastal marine area, i.e. that the NES-F would apply to only <i>inland</i> natural wetlands. NPS-FM was also amended for clarification and alignment.
31 May 2022	Exposure drafts of amendments to the National Policy Statement for Freshwater Management 2020 and the National Environmental Regulations – Freshwater 2020 Amendments were drafted for: 1. altering the regulations applicable to various types of activities occurring in or near wetlands; and 2. technical or clarification reasons. Those proposals have now been finalised and gazetted.	Ministry for the Environment	NPS-FM and NES-F amended in Dec 2022	Amendments have been approved and finalised. The amendments came into legal effect from 8 December 2022.

Received	Proposal	Agency	Status	Current Situation
15 Nov 2022	<p>Reforming the Resource Management System</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>https://environment.govt.nz/publications/our-future-resource-management-system-overview</p>	Ministry for the Environment (lead) in association with various other Ministries	Spatial Planning Bill and Natural & Built Environment Bill open for submissions to Select Committee	<p>The Government's comprehensive reform of the resource management system will repeal the RMA and replace it with three new pieces of legislation:</p> <ul style="list-style-type: none"> the Natural and Built Environment Act (NBA) the Spatial Planning Act (SPA) Climate Adaptation Act (CAA). <p>The Natural and Built Environment Bill (NBE Bill) and Spatial Planning Bill (SP Bill) were introduced to Parliament on 15 November 2022 and have been referred to the Environment Select Committee. HBRC has been granted an extension to lodge a submission by 19 February 2023. As there are no further council meetings between now and submission deadline, Council has agreed that authority for lodging its submission be delegated to Councillor Ormsby as HBRC Chair.</p> <p>The Climate Adaptation Bill is intended to be introduced into Parliament later in this term of Government (but not passed during the current term).</p>
9 June 2022	<p>Exposure Draft National Policy Statement for Indigenous Biodiversity (NPS-IB)</p> <p>The NPS-IB sets out the objectives and policies to identify, protect, manage and restore indigenous biodiversity under the Resource Management Act 1991.</p> <p>https://www.mfe.govt.nz/publications/biodiversity/draft-national-policy-statement-indigenous-biodiversity</p>	Ministry for the Environment	Public feedback on Exposure Draft closed 21 July 2022	<p>MFE released an Exposure Draft of the NPS-IB on 9 June 2022. Deadline for public submissions was 21 July 2022. Ministers and MFE officials are considering the feedback received prior to finalising the NPS-IB. Near final NPS-IB is understood to have been presented to Cabinet in December 2022, but some parts require adjustment before being finalised.</p> <p>A copy of HBRC's submission on the NPS-IB exposure draft can be found at HBRC Submissions.</p>

Received	Proposal	Agency	Status	Current Situation
14 Aug 2019	National Policy Statement – Highly Productive Land (NPS-HPL) Government has finalised the NPS-HPL to improve the way highly productive land is managed under the RMA. https://environment.govt.nz/publications/national-policy-statement-for-highly-productive-land/	Ministry for Primary Industries	Final NPS-HPL in effect from Oct 2022	<ul style="list-style-type: none"> • Final NPS-HPL was released in September 2022 and came into effect from October 2022. • Interim meaning of ‘highly productive land’ in NPS-HPL is based generally on areas that are Land Use Capability classes 1, 2 or 3. • Key directive in NPS-HPL for implementation by regional councils is to [re-]map highly productive land in the region and publicly notify those maps as part of a regional policy statement no later than October 2025. • MFE has published a 4-page information sheet for councils that provides some basic guidance for councils and planners on the new NPS-HPL. This includes what happens on the day the NPS-HPL comes in to effect, the implications for processing resource consents and plan changes, and when more detailed technical guidance will be available.
6 Oct 2022	Discussion document for national direction for plantation and exotic carbon afforestation consultation The Government is consulting on four topics relating to afforestation and management of plantation and exotic carbon forests. https://www.mpi.govt.nz/dmsdocument/53623-National-direction-for-plantation-and-exotic-carbon-afforestation	Ministry for Primary Industries	Submissions closed 18 Nov 2022	<ul style="list-style-type: none"> • HBRC’s submission was lodged on 18 November 2022. A copy of HBRC’s submission can be found at HBRC Submissions.

Received	Proposal	Agency	Status	Current Situation
11 Oct 2022	<p>Te tātai utu o ngātukunga ahūwhenua pricing agricultural emissions discussion document</p> <p>The Government is seeking feedback in regards-to pricing agricultural emissions. Including levy setting, governance arrangements of the system and how farmers will report and pay for emissions.</p> <p>https://environment.govt.nz/assets/publications/Pricing-agricultural-emissions-summary-of-the-consultation.pdf</p>	Ministry for the Environment	Submissions closed 18 Nov 2022	<ul style="list-style-type: none"> • HBRC's submission was lodged on 18 November 2022. A copy of HBRC's submission can be found at HBRC Submissions.
6 Dec 2022	<p>Local Government Official Information and Meetings Amendment Bill 2022</p> <p>The LGOIMA Amendment Bill is proposed to make it easier for councils to share clear and concise information in Land Information Memorandum (LIM) reports, particularly in relation to natural hazards. City and district councils are to remain responsible for issuing LIM reports while regional councils are proposed to have enhanced responsibilities for the supply of natural hazard information to the relevant city and district councils for inclusion in the LIM reports.</p>	Department of Internal Affairs plus Governance & Administration Select Committee	Submissions close 3 Feb 2022	<ul style="list-style-type: none"> • Key local government sector representative organisations are intending on making thorough submissions on the Bill (i.e. Local Government NZ, Taituara and Te Uru Kahika).

Table 2: Territorial Local Authority Proposals

Received	TLA	Proposal	Applicant/ Agency	Status	Current Situation
March 2019	NCC	Napier City Council District Plan Review & Spatial Picture	Napier City Council	Draft District Plan consultation period closed 24 Sept 2021)	Napier City Council released their draft district plan and spatial picture with an extended the submission period to the 24 September 2021 due to Covid-19. A copy of the HBRC submission to the Draft District Plan can be found here and the HBRC submission to the Spatial picture can be found here . The timeline and further information can be found on the NCC website https://www.napier.govt.nz/our-council/plans-strategies-reports/napiers-district-plan/district-plan-review/
28 May 2021	CHBDC	Central Hawke's Bay District Plan Review CHBDC have undertaken a full review of the District Plan. A new proposed district plan was publicly notified on 28 May 2021.	Central Hawke's Bay District Council	Hearings Panel has concluded hearings. Panel's recommendations expected by mid-2023.	<ul style="list-style-type: none"> Series of hearings were held during 2022. The panel of Commissioners have adjourned hearings and are currently formulating their recommendations back to CHBDC by mid-2023. Refer to CHBDC's Hearings Portal for more information. HBRC's submission was lodged on 6 August. A copy of HBRC's submission can be found at HBRC Submissions.
22 Oct 2022	HDC	Hastings District Plan Change 4 (Te Matā – Te Mata O Rongokako prohibited building area) A proposed plan change to district plan to prohibit new buildings on the eastern face of Ta Mata Peak.	Hastings District Council	Submissions closed 21 Nov 2022. Further Submissions closed 16 Dec 2022. Hearings pending.	<ul style="list-style-type: none"> Proposed Plan Change 4 was reviewed by HBRC staff. Submission on behalf of HBRC was not considered necessary given HBRC's issues and scope of HDC's proposed Plan Change 4.

Received	TLA	Proposal	Applicant/ Agency	Status	Current Situation
29 Oct 2022	HDC	Hastings District Plan Change 5 (Right homes, right place) A proposed plan change to district plan to enable residential intensification in parts of Hastings' urban areas.	Hastings District Council	Submissions closed 25 Nov 2022. Hearings pending.	<ul style="list-style-type: none"> Proposed Plan Change 5 was reviewed by HBRC staff. Submission on behalf of HBRC was not considered necessary given HBRC's issues and scope of HDC's proposed Plan Change 5.
19 Oct 2022	HDC	Notified resource consent application for redevelopment of 206 & 218 Queen Street and 223 Heretaunga Street West, Hastings	Hastings District Council	Submissions closed 7 Nov 2022. Hearings pending.	<ul style="list-style-type: none"> HBRC's submission lodged stating no objections to the proposed site redevelopment, provided soil contamination is managed in accordance with relevant national regulations and standards. HBRC's submission was lodged on 4 November 2022. A copy of HBRC's submission can be found at HBRC Submissions.

Table 3: Other Proposals

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

Received	Proposal	Agency	Status	Current Situation
24 July 2017	Application for Water Conservation Order (WCO) Application for a WCO for the Ngaruroro River & Clive River	Applicants NZ Fish & Game Council, HB Fish & Game Council; Whitewater NZ; Jet Boating NZ; Operation Patiki Ngāti Hori ki Kohupatiki Marae; Royal Forest & Bird Protection Society	Special Tribunal Recommendation Report Released. Environment Court Inquiry's interim report issued. Final report still in progress.	<ul style="list-style-type: none"> On 4th November 2022, the Environment Court issued its 139-page interim report on appeals against the Special Tribunal's earlier recommendations report. The Environment Court's interim report is online.¹ The Court has directed some parties to do further work prior to the Court issuing a final report. Appeals on points of law against the Environment Court's interim report were due by 25 November 2022. HBRC has filed an appeal with the High Court. Meanwhile, HBRC is working with parties for clearer drafting of the Order as directed by the Environment Court. The Environment Court's report will go to the Minister for the Environment once further drafting refinements have been addressed by all parties. The Minister will then make a recommendation to the Governor-General on formalising the WCO by Order in Council. Only after that will the WCO have legal effect. Previously, the Environment Court hearing began on 9 February 2021. Due to COVID Level 3 restrictions in Auckland, the second week of the Environment Court hearings was held during the week of the 14 June 2021. <p>For more information, see: https://www.epa.govt.nz/public-consultations/decided/water-conservation-order-ngaruroro-and-clive-rivers/</p>

¹ <https://www.environmentcourt.govt.nz/assets/Documents/Publications/2022-NZEnvC-227-Nga-Kaitiaki-O-Te-Awa-O-Ngaruroro.pdf>

Received	Proposal	Agency	Status	Current Situation
Various	Marine and Coastal Area (Takutai Moana) Act 2011	Applicants Ngāti Pāhauwera Development Trust, Maungaharuru Tangitū Trust, Ngai Tāhū O Mohaka Waikare, Ngati Parau Hapu (Waiohiki Marae Board of Trustees)	High Court decision released 22 December 2021, now subject to appeals Stage 2 High Court hearing commenced 23 May 2022 at Napier	<ul style="list-style-type: none"> The High Court's Stage 2 decision on the Ngāti Pāhauwera application was made on the 19th of January 2023. No final PCR or CMT were granted, instead the decision works through the various issues and creates a process for final draft orders to be submitted for approval. In relation to the issues HBRC raised at hearing the decision was in line with the evidence and submissions submitted. <p>Previously...</p> <ul style="list-style-type: none"> High Court commenced a 'Stage 2 hearing' in Napier on 23 May 2022 to consider form of orders. Notwithstanding commencement of the Stage 2 hearing, several parties have lodged appeals against High Court's decision made in December 2021. Decision can be found here https://www.courtsofnz.govt.nz/assets/5-The-Courts/high-court/high-court-lists/marine-and-coastal-area-takutai-moana-act-2011-applications-for-recognition-orders/20211222-Re-Ngati-Pahauwera.pdf
21 Oct 2022	Proposal to alter name of Clive River to Mokotūāraro The proposal is to alter the official place name Clive River to Te Awa o Mokotūāraro for the river that flows from Pakowhai Road Bridge northeast of Hastings to join the mouth of Ngaruroro River, which flows into Hawke Bay. https://www.linz.govt.nz/consultations/te-awa-o-mokotuararo	New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa	Public submissions due by 23 Feb 2023	<ul style="list-style-type: none"> In November 2022, Chief Executive wrote letter to NZ Geographic Board advising that <i>"... the Regional Council generally supports place names being changed to Te Reo Maori names in cases where they have been named after persons or places with no connection to that place. In the case of this application the Council has no objection to this proposal."</i> HBRC's submission was lodged on 3 November 2022. A copy of HBRC's submission can be found at HBRC Submissions.

Received	Proposal	Agency	Status	Current Situation
Various	Applications to Minister for Environment requesting approval to use COVID19 fast-track consenting processes for residential developments at several locations within Hastings District.	MFE. Various applicants	Minister for Environment's decisions are pending	<ul style="list-style-type: none"> Minister had invited comments from HBRC on several separate applications to use the fast-track consenting processes under COVID19 response legislation. Further details cannot be provided here at this time due to confidentiality arrangements with MFE/Minister.
29 Oct 2021	<p>Resource consent applications to be lodged with Environmental Protection Authority ('EPA') for small commercial land use and approximately 648 to 670 residential units at Riverbend Road, Napier.</p> <p>Project has been named as 'Riverbend Development - Te Orokohanga Hou.'</p> <p>Authorised persons for this project are:</p> <ul style="list-style-type: none"> Tawanui Developments Limited K3 Properties Limited Mana Ahuriri Holdings Limited. 	EPA	Fast-track consenting approved. Consent applications being prepared.	<ul style="list-style-type: none"> On 29 October 2021, Minister granted approval for Covid fast-track consenting process to be used for this development proposal project. Minister's approval was issued with a number of pre-conditions addressing several of the concerns and issues raised by HBRC (and Napier City Council) in preliminary comments.