HAWKE'S BAY
REGIONAL COUNCIL
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Meeting of the Regional Planning Committee

Date: Wednesday 16 August 2023

Time: 1.30pm

Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Agenda

Item	Title	Page
1.	Welcome/ Karakia/ Apologies /Housekeeping	
2.	Conflict of interest declarations	
3.	Follow-ups from Previous Regional Planning Committee meetings	3
4.	Call for minor items not on the Agenda	7
5.	Confirmation of Minutes of the Regional Planning Committee meeting held on 17 May 2023	
Decision Items		
6.	Regional Planning Committee Tāngata Whenua appointees' Remuneration Review	9
Information or Performance Monitoring		
7.	Clifton to Tangoio Coastal Hazards Strategy and its Mātauranga Māori workstream updates	27
8.	Kotahi Plan update	33
9.	Update on Government's proposed resource management system reforms	37
10.	July 2023 Policy Projects update	39
11.	July 2023 Statutory Advocacy update	45
12.	Discussion of minor items not on the Agenda	

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
Tania Hopmans (Co-chair)	Maungaharuru-Tangitu Trust
Keri Ropiha (Deputy Co-chair)	Heretaunga Tamatea Settlement Trust
Tania Eden	Mana Ahuriri Trust
Karauna Brown /Mana Hazel	Te Kopere o te Iwi Hineuru
Laura-Margaret Kele	Heretaunga Tamatea Settlement Trust
Nicky Kirikiri	Te Toi Kura o Waikaremoana
Michelle McIlroy	Tātau Tātau o Te Wairoa
Mike Mohi	Ngati Tuwharetoa Hapu Forum
Theresa Thornton	Ngati Pahauwera Development & Tiaki Trusts
Hinewai Ormsby (Co-chair)	Hawke's Bay Regional Council
Thompson Hokianga (Deputy Co-chair)	Hawke's Bay Regional Council
Will Foley	Hawke's Bay Regional Council
Xan Harding	Hawke's Bay Regional Council
Charles Lambert	Hawke's Bay Regional Council
Jock Mackintosh	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	Number required for 80% support
18	14
17	14
16	13
15	12
14	11

Hawke's Bay Regional Council

Regional Planning Committee

Wednesday 16 August 2023

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:

Allison Doak
Governance Advisor

Approved by:

Nic Peet
Chief Executive

Attachment/s

1⇩ Followups from previous Regional Planning Committee meetings

Follow-ups from Previous Regional Planning Committee meetings

Meeting on 17 May 2023

ref	Agenda Item	Action	Responsible	Status Comment
1	Cyclone Gabrielle – response, recovery and reviews	Distribute presentations to RPC tāngata whenua members	Governance Team	Emailed 15 June 2023
2	Cyclone Gabrielle – response, recovery and reviews	A strongly worded letter to be sent from RPC Co-chairs to NEMA regarding the forecasting provided by MetService	Hinewai Ormsby Tania Hopmans	
3	Kotahi Plan verbal update	Send a formal letter from HBRC to MfE requesting an extension of the December 2024 deadline for the National Policy Statement for Freshwater Management	Hinewai Ormsby Tania Hopmans Katrina Brunton	
4	Minor items not on the agenda	Debris to be cleared from the river at Tangoio	Chris Dolley	Mid-June – clearance of the debris from the river is underway.

Hawke's Bay Regional Council

Regional Planning Committee

Wednesday 16 August 2023

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 12:

Topic	Raised by

Leeanne Hooper
Governance Team Leader

Dr Nic Peet
Chief Executive

Hawke's Bay Regional Council

Regional Planning Committee

Wednesday 16 August 2023

Subject: Regional Planning Committee Tāngata Whenua appointees' Remuneration Review

Reason for Report

1. This item provides the Committee with the opportunity to discuss the *Fees Review for: Tāngata Whenua members (Regional Planning Committee)* report from Strategic Pay and provide feedback for Council to consider when making the associated decisions on remuneration levels on 30 August 2023.

Executive Summary

2. On 14 September 2022, the Regional Planning Committee (RPC) agreed to Strategic Pay being appointed as the sole appointee to undertake an independent review of tāngata whenua members' remuneration. The HBRC Chair and RPC members Allana Hiha (subsequently replaced by Nicki Kirikiri) and Mike Mohi were delegated authority to finalise the process and criteria for the review. This included the process steps for feedback leading up to the Council considering the final report and making a decision. The review followed this agreed process.
3. When the *Fees Review for: Tāngata Whenua members (Regional Planning Committee)* report was presented to the Council on 26 July 2023, the Council deferred the matter until the end of August 2023 to allow both RPC and Māori Committee tangata whenua members further opportunity to consider the review findings and recommendations relevant to their committee.

Background

4. The last review of RPC tāngata whenua appointees' remuneration was carried out in 2019. This triennium, a remuneration review was again due for the RPC and it was considered appropriate to review the Māori Committee remuneration at the same time.
5. Hinewai Ormsby, Nicki Kirikiri and Mike Mohi (the delegated RPC members) considered the review details and agreed the process and criteria set out in the Terms of Reference on 24 January 2023. The review commenced with the provision of relevant information and documentation to Strategic Pay.
6. On 17 May 2023 (delayed from February due to Cyclone Gabrielle) the RPC tāngata whenua members met with Strategic Pay to discuss review matters including the time commitments and complexities of the role. The Terms of Reference agreed by the delegated sub-group was provided for information at this workshop.
7. In early June 2023 Strategic Pay provided Council staff with a draft report. As per the agreed process steps, the draft was circulated to the delegated RPC members as well as the Co-chair Tania Hopmans for their consideration with a request for feedback to be provided directly to Strategic Pay by 15 June. When no feedback was received the timeframe was extended by two weeks to 7 July 2023.

Discussion

8. In mid-July Council received the final review reports from Strategic Pay for both the RPC and Māori Committee – a copy of the RPC review report is attached.
9. The recommendations contained in the report are that:

9.1. the annual salary for RPC Tāngata Whenua appointees is increased (from $13,750) to between $15,000 and $17,000 p.a.

9.2. the fee for attending additional meetings (e.g. Corporate and Strategic Committee) as a representative of RPC Tāngata Whenua remains at $452.

9.3. the annual salary for the RPC Tāngata Whenua Co-chair is increased (from $27,500) to between $30,000 and $34,000 p.a. and the RPC Deputy Co-chair salary increases (from $20,625) to between $22,500 and $25,500 p.a.

Decision-making process

10. 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:

    10.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.

    10.2. The use of the special consultative procedure is not prescribed by legislation.

    10.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.

    10.4. The persons directly affected by this decision are the appointed tangata whenua members of the Regional Planning Committee.

    10.5. Given the nature and significance of the issue to be considered and decided, and also the persons likely to have an interest in the decisions made, the Committee can exercise its discretion and make a decision without consulting with the community or others having an interest in the decision.

Recommendations

That the Regional Planning Committee:

1. Receives and considers the *Regional Planning Committee Tāngata Whenua appointees' Remuneration Review* staff report.
2. Endorses the *Fees Review for: Tāngata Whenua members (Regional Planning Committee)* Strategic Pay July 2023 report and its recommendations.

Authored by:

Peter Martin
Senior Governance Advisor

Desiree Cull
Strategy and Governance Manager

Approved by:

Pieri Munro
Te Pou Whakarae

Attachment/s

1⇩ Strategic Pay RPC tāngata whenua fees review report July 2023

StrategicPay

Hawke's Bay Regional Council: Regional Planning Committee

Fees Review for:
Tāngata Whenua Members (Regional Planning Committee)

Prepared by:
Cathy Hendry, Managing Director

Rachel Bate, Senior Consultant
Strategic Pay
July 2023

Private and Confidential

Strategic Pay Limited is independent of Hawke's Bay Regional Council's Regional Planning Committee. In this context, independence means that Strategic Pay Limited has not been subjected to any undue influence from management of Regional Planning Committee, any committee member of Regional Planning Committee or any other party in relation to the services provided by Strategic Pay Limited or the outcomes of those services.

PRIVATE AND CONFIDENTIAL
This document and any related advice, data or correspondence provided in relation to it is the intellectual property of Strategic Pay Limited. The intellectual property is confidential information and provided to the client to whom it is addressed (or if not so addressed, to the intended recipient) only for the internal purposes of that recipient on a confidential basis.

If an engagement is awarded to Strategic Pay, the right of the client to duplicate, use, or disclose such information will be such as may be agreed in the resulting engagement contract. If an engagement is not awarded, this document and any duplicate copy thereof must be returned to Strategic Pay or destroyed.

© 2023 Strategic Pay Limited

StrategicPay

Overview

Desiree Cull, Strategy & Governance Manager for the Hawke's Bay Regional Council ("HBRC" hereafter), has commissioned Strategic Pay Ltd to provide a review of fee levels for Tāngata Whenua or PSGE appointed members of the Regional Planning Committee ("RPC" hereafter).

Cathy Hendry and Rachel Bate remotely attended an RPC PSGE Appointee's workshop on 17th May. An in-person visit to Napier was cancelled as a result of Cyclone Gabrielle, we note this led to a delay to the project.

Strategic Pay reviewed the fees in 2019 and as per the proposal presented in September 2022 proposed a similar approach to our 2019 report. We note the following terms of reference have been specified for this review:

13.1. confirm current composition of Council and its committees
13.2. confirm current RPC PSGE appointees' fees paid
13.3. examination of the Council and committee meeting schedule and consider the time commitment for tāngata whenua representatives on the RPC
13.4. examination of any projects or challenges of note confronting the RPC during the term including but not limited to meetings and discussion for the Kotahi Plan
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 current salary setting arrangements for tāngata whenua representatives of the RPC
13.7. 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, including appropriate meeting fees when participating in other meetings, such as workshops and wananga, as a representative of the RPC.
13.8. provide scoring of governance roles and positions on an independent, objective basis which is consistent with the State Services Commission's Cabinet Fees Framework 2022
13.9. evaluate the RPC governance roles and size these against fees paid in the NZ market for comparably sized roles
13.10. provide a draft report and deliver all requested background materials which cover the following information, to the delegated sub-group and RPC Co-chair by 31 May 2023 :
    13.10.1. background information and the context identified above
    13.10.2. Summary of remuneration recommendations
    13.10.3. application of SSC's Cabinet Fees Framework to governance roles of tāngata whenua members
    13.10.4. results of Director evaluation methodology.

© 2023 Strategic Pay Limited

StrategicPay

Our approach involved:

- Using a modification of our proprietary Director Evaluation Methodology ("DirectoRate" 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;
- 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;
- Looking at Committee fee levels and overall fee levels compared to data collected and analysed in our annual February 2023 New Zealand Directors' Fees Survey;
- Reviewing the fees paid to the HBRC Councillors and understanding the relativities between Councillor roles and pay and those of the RPC;

© 2023 Strategic Pay Limited

THIS REPORT PRESENTS THE FOLLOWING:

Background 6

Recommendation Summary 7

Appendix 1: Analysis to Support Recommendations 10

State Services Commission – Cabinet Fees' Framework 10
DirectoRate Approach – "CommitteeRate" Variation 11
Relativities to Councillor Roles and Fees 12
Appendix 2: New Zealand Directors' Fees Survey – February 2023 13
Appendix 3: Strategic Pay Director Fee Methodology 15
Appendix 4: About Strategic Pay Ltd 16

© 2023 Strategic Pay Limited

StrategicPay

Background

HAWKES' BAY REGIONAL COUNCIL ("HBRC")

The HBRC is the local authority charged with regional planning responsibilities for managing the natural resources (air, water, land, coast, biodiversity) across a large portion of the east coast of the North Island.

The region's total land area is around 14,200 square kilometres (1.42 million hectares). It includes mountain ranges to the north and west, 350km of diverse coastline (cliffs, estuaries, sand beaches, gravel beaches), and productive plains and hill country.

The region is determined by river catchments and Hawke's Bay has 7 major rivers; Wairoa, Mohaka, Esk, Ngaruroro, Tutaekuri, Tukituki, and Waipawa.

The Council is composed of nine Councillors and a Chair and Deputy Chair.

The HBRC Council is paid as follows, as of 2022-23 financial year:

- Chair - $142,761
- Deputy Chair - $67,860
- Councillor - $61,000
- Councillor with Committee Chair - $67,860

The proposed meeting schedule and work program for 2023 (as per the Council Calendar as at July 2023) is as follows:

- 12 full Council Meetings
- 34 Council Committee meetings including joint committee meetings – not all Councillors sit on all Committees. There are nine Committees in total.
- 31 workshops

We note that over the past 12 months (June 2022 – Jun 2023), the RPC meetings came to 7.35 hours in total.

REGIONAL PLANNING COMMITTEE

The focus of this report is the determination of the annual fees for Tāngata Whenua members of the RPC and we note the following concerning this committee:

The work of the RPC covers all aspects of natural resource use in the Council's catchment area. Decisions made and recommendations put forward to Council are designed to determine the use of the natural resources of the region for the indefinite future and therefore the committee's work represents a significant part of the work of Council and has a significant influence on the economic future of Hawke's Bay. Understanding and applying the Resource Management Act (RMA) is central to this Committee's work.

© 2023 Strategic Pay Limited

StrategicPay

The RPC was established under special legislation in 2014, as a joint committee with equal representation from Tāngata Whenua and HBRC Councillors. All members have voting rights, with recommendations to HBRC requiring 80% consensus before full Council consideration. To date, HBRC has not overridden the RPC's recommendations, an indication of the RPC's power.

We note that since the last review, the Council has started work on the Kotahi Plan, which includes a review of the Regional Policy Statement, Regional Resource Management Plan and Regional Coastal Environment Plan. The members anticipate this will be a large focus for the RPC and likely increase workloads. The recent cyclone and recovery efforts has resulted in a pause in this plan while Council staff focus on recovery.

The RPC is comprised of 9 representatives of Post Settlement Governance Entities (Tāngata Whenua) and nine elected representatives (all Councillors). There are two Co-Chairs and two Co-Deputy Chairs, one from each group respectively. Payment is as follows:

- The Tāngata Whenua representatives are each paid a $13,750 base annual fee per year
- The Co-Deputy Chair is paid an $20,625 base annual fee.
- The Co-Chair is paid a $27,500 base annual fee.
- Those Tāngata Whenua members who serve on Council Committees are paid $452/meeting plus travel.

Recommendation Summary

We recommend that annual Committee fees for Tāngata Whenua Members of the RPC be set in a range from **$15,000 to $17,000.**

Likewise, we recommend that annual Committee fees for the Co-Chair of RPC be set in a range from **$30,000 to $34,000.**

In keeping with previous advice, given the Co-Deputy Chair carries additional responsibilities and workload, we support continuation of the 50% premium to Member fees. Calculating this on fee range above, we recommend that committee fees for the Co-Deputy Chair be set in a range from **$22,500 to $25,500.**

We have also reviewed the per meeting fee paid for attendance at other Council Meetings and workshops outside of the RPC meetings and would recommend that the current rate of $452 per meeting remains the same.

© 2023 Strategic Pay Limited

StrategicPay

Recommendation Summary – Tāngata Whenua Members of RPC:

Fees	Current ($)	Number	Proposed ($)	Number	Proposed Total ($)
Co-Chair	27,500	1	30,000 to 34,000	1	30,000 to 34,000
Co-Deputy Chair	20,625	1	22,500 to 25,500	1	22,500 to 25,500
Committee Member	13,750	7	15,000 to 17,000	7	105,000 to 119,000
Total	**144,375**	**9**		**9**	**157,500 to 178,500**

Summary Results – Methodologies for Regional Planning Committee

Sample	Base Annual Fee ($)
SSC Fees Framework	**9,856**
DirectoRate and CommitteeRate	**17,800**
Relativities to Councillor Analysis	Up to **15,250**

We have considered the results of these three methodologies, and find consensus in the **$15,000 to $17,000** range. *No one methodology overrides the others.*

CONTEXT AND PROCESS TO FEE SETTING RECOMMENDATION

In setting fee levels the importance of understanding both the extent, context and scope of the workload is important. We have done this through application of the State Services Commission's Fees Framework scoring methodology as well as our DirectorRate methodology. There is overlap between the two in terms of factors to be considered. This is explained in the appendices.

In reviewing the fee levels we have taken into account:

- The fees Councillors receive, and respective relativities to RPC fees;
- The broader marketplace for governance fees including the Cabinet Fees framework, other broadly similar work we have conducted
- Our annual New Zealand Directors' Fees Survey as of February 2023.
- What advice and approach Strategic Pay have taken when making recommendations to other similar entities in a Council setting.

We note in our discussions with the RPC there was a view that the Cabinet Fee's framework was not considered a relevant comparator given the Committees covered under the framework typically operate in an advisory capacity rather than recommending action. It is our view that the framework still provides a sensible comparison, and we would still see the RPC operating similar to a Board subcommittee, whereby advice and a course of action is recommended by the subcommittee to the full Board, but the full Board ultimately makes the final decision.

© 2023 Strategic Pay Limited

In assessing fee levels for the RPC, we believe that relativity is important and our view is that fees paid to Councillors should be factored into a final determination on fee levels for Tāngata Whenua members. We note this is consistent with other work within local government and Iwi that we have conducted and reflects the position across the country as to the setting of fee levels in the Public Sector regardless of who is appointed, what the nature of the organisation is, or what sector we are talking about.

© 2023 Strategic Pay Limited

StrategicPay

Appendix 1: Analysis to Support Recommendations

STATE SERVICES COMMISSION – CABINET FEES' FRAMEWORK

In our view, the State Services Commission's Cabinet Fees Framework, last reviewed in October 2022, is a relevant framework to consider as part of the review of the fee levels for Tāngata Whenua members. It is designed to address appropriate fees for members appointed to bodies in which the Crown has an interest. Certainly, this includes Hawkes' Bay Regional Council generally and the Regional Planning Committee specifically.

Such Bodies are classified into four groups as follows:

- Royal Commissions, Commissions of Inquiry and Ministerial Inquiries
- Statutory Tribunals and Authorities
- Governance Boards
- All Other Committees and Other Bodies.

In our view, the Regional Planning Committee falls into Group 4: All Other Committees and Other Bodies.

Within the Group 4 assessment, there are four Factors as follows:

- Skills, Knowledge and Experience Required for Members
- Function, Level and Scope of Authority
- Complexity of Issues
- Public Interest and Profile.

Each Factor has its own range of Scores.

We have scored the Regional Planning Committee as follows, based on our understandings;

- Skills, knowledge and experience **Score: 8** out of 12 maximum
- Function, Level and Scope of Authority; **Score: 5** out of a maximum of 6
- Complexity of Issues: Score: **Score: 4** out of a maximum of 5
- Public Interest and Profile: **Score: 4** out of a Maximum of 5
- **Total Score: 21.**

© 2023 Strategic Pay Limited

StrategicPay

Daily Rates: SSC Fees Framework Group 4; Level 2

Total Score	Level	Daily Rate Fees Range Chair	Daily Rate Fees Range Member
20 to 23 points	2	$429 to $974	$319 to $616

As stated in previous reports, we believe it is appropriate to rely on the top end of the respective ranges as the basis for calculating committee fees:

- $974 daily rate for Chairs. Estimated days = 16. 16 x $974= **$15,584**
- $616 daily rate for Members. Estimated days = 16. 16 x $616 = **$9,856.**

We have calculated the fees using the same number of calculated days that we applied in our review in 2019. We note that while the number of RPC meetings have dropped since 2019, the associated workload as described by the members of the committee is viewed as being comparable, overall the level of effort required has not reduced and therefore we have kept the number of days at 16.

DIRECTORATE APPROACH – "COMMITTEERATE" VARIATION

Specifically for this project with HBRC, we have modified our Strategic Pay Limited proprietary DirectoRate methodology to assess market competitive Committee fees rather than Board Director Fees. An explanation of the DirectoRate methodology appears in Appendix 2.

We have scored these factors based on the feedback and input from our discussions and review of information as follows:

Factor	Score 1-5
1 Complexity of Operating Environment	5
2 Innovation/Intellectual Complexity	3
3 Committee Discretion/Autonomy	4
4 Stakeholder Management	4
5 Financial Impact	2
6 Liability/Risks	2
7 Public Perception/Reputational Risk	4
Average	**3.42**

This score, approximately the midpoint of the Score range, suggests fee placement for RPC at Committee Fee **median levels.**

Per the Strategic Pay Limited February 2023 New Zealand Directors' Fees Survey, the market median Committee member fee is **$8,900.** (See Appendix 1 on page 15).

Given that the RPC workload is approximately twice that of a typical Board committee, **we calculate a base annual Committee fee for RPC of $17,800** (2 x $8,900).

© 2023 Strategic Pay Limited

StrategicPay

RELATIVITIES TO COUNCILLOR ROLES AND FEES

We have considered the respective complexity, scope, workload and decision-making powers of both HBRC Councillors and the Tāngata Whenua members of the RPC.

It is our view that the work of the committee does not equate to the workload of an elected councillor, specifically in three areas:

1. The work of the RPC is but one committee of Council. We note there are nine other committees plus the full Council meetings that Councillors attend;
2. While members of the RPC may also attend other committee meetings, they are paid an additional fee for this, therefore it is important to separate this commitment from the fees set for membership on the RPC
3. Councillors have to weigh up the work of not only the RPC but also other committees and work coming through to full Council in making their decisions. While we acknowledge the RPC will and does consider the wider work of Council, the legislation does require them to focus specifically on one area
4. Councillors' workloads and mandate requires them to work across a number of committees and understand a wide variety of issues unrelated to the mandate of the RPC. Hence their volume of work is higher overall.

All members of the Committee - both Councillors and Tāngata Whenua members - are involved and expected to be involved as a normal responsibility - in constituent interaction.

Both Tāngata Whenua members and Councillors spend time in preparation for the four formal meetings. We note that Tāngata Whenua members do so through scheduled meetings the prior day, when HBRC advisors assist in reviewing and analysis of agenda matters as needed.

The current $13,750 annual fees received by Tāngata Whenua members of RPC compares to the $61,000 annual fee paid to Councillors. This represents **22.5%.**

CONCLUSION:

Considering the information provided by all parties regarding workload, time commitment, complexity and scope of work, we believe that the base annual fees for the Tāngata Whenua members of the RPC should be set in a range not exceeding **25%** of the Councillor's base annual fees as a matter of relativities as we understand it.

That means that **RPC annual committee fees for Tāngata Whenua members should be set in a range up to $15,250**

© 2023 Strategic Pay Limited

StrategicPay

APPENDIX 2: NEW ZEALAND DIRECTORS' FEES SURVEY – FEBRUARY 2023

This annual Survey is the basis for understanding current trends and practices in the payment of Director Fees at New Zealand organisations. This is the 31st Director's Fees Survey conducted by Strategic Pay Ltd (the longest running survey of directors' fees in the country). 400 organisations contributed data to the 2023 New Zealand Directors' Fees Survey. 1,878 individual directorships were analysed for the data.

The Survey combines information from three sources:

- Organisations from the Strategic Pay database
- Questionnaires sent to Strategic Pay master mailing list
- Publicly available annual reports and NZX listings.

The data is reported as at 1 February 2023.

Board Committees

Of the organisations that responded, ninety-eight percent have an audit committee and fifty-seven percent have a remuneration committee.

Twenty-three percent of participants also have other committees, which encapsulate a range of priorities from Covid-19 to development, disclosure or sustainability planning.

Type of Committee

Committee	Board (sample size)	Av. No. Meetings p.a.	Av. No. of Directors	Pay Chair Fee	Pay Member Fee
Audit	285 (98%)	5	4	60%	22%
Remuneration	167 (57%)	3	3	48%	22%
Risk	17 (6%)	5	4	21%	-
Finance	7 (2%)	4	4	-	-
Health & Safety	58 (20%)	4	4	33%	13%
Investment	13 (4%)	4	4	33%	-
Nominations / Governance	45 (15%)	2	4	15%	12%
People & Culture	32 (11%)	4	3	53%	16%
Other	67 (23%)	7	4	32%	15%

- Not enough data to calculate

© 2023 Strategic Pay Limited

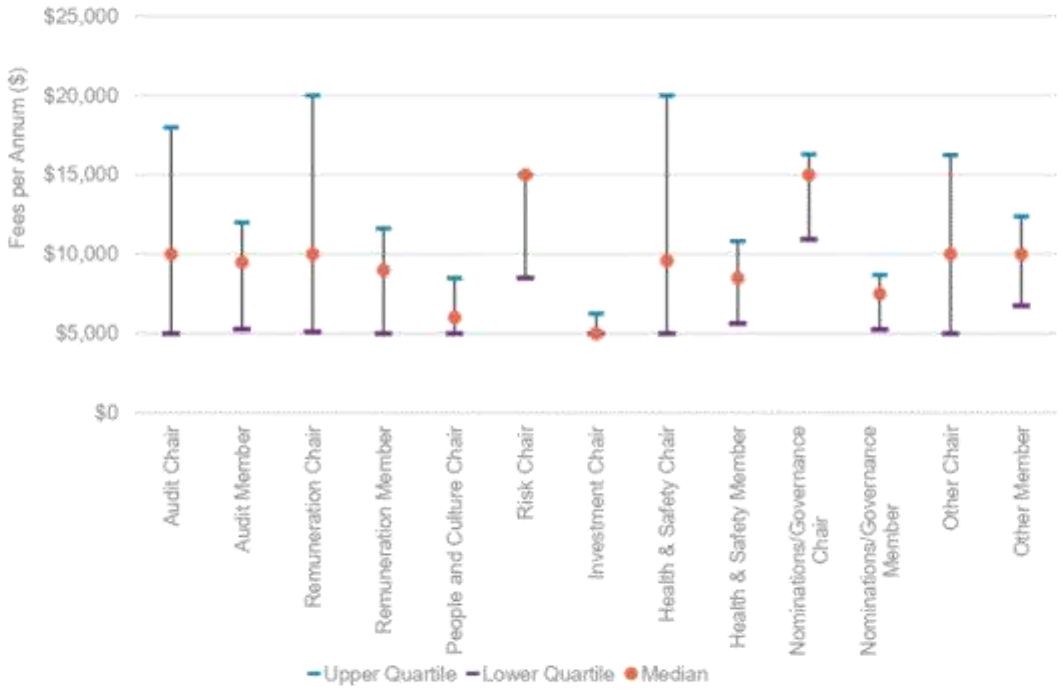
StrategicPay

Committee Fees by Committee Type

Committee	Chair Fees				Director Fees			
	Lower Quartile	Median	Upper Quartile	Average	Lower Quartile	Median	Upper Quartile	Average
Audit	5 000	10 000	18 000	13 096	5 263	9 500	12 000	9 635
Remuneration	5 100	10 000	20 000	12 935	5 000	9 000	11 625	8 656
Risk	8 500	15 000	15 000	14 789	-	-	-	-
Finance	-	-	-	-	-	-	-	-
Health & Safety	5 000	9 583	20 000	12 797	5 625	8 500	10 813	8 656
Investment	5 000	5 000	6 250	6 000	-	-	-	-
Nominations / Governance	10 937	15 000	16 290	13 230	5 250	7 500	8 690	6 626
People & Culture	5 000	6 000	8 500	8 679	-	-	-	-
Other	5 000	10 000	16 250	12 460	6 750	10 000	12 375	9 959
Average		**10 073**				**8 900**		

- Not enough data to calculate

The graph below demonstrates the ranges of committee fees. For example, at the median, the audit committee chair is paid $10,000 per annum, but those fees rise to an upper quartile of $18,000 and lower quartile of $5,000.



© 2023 Strategic Pay Limited

StrategicPay

APPENDIX 3: STRATEGIC PAY DIRECTOR FEE METHODOLOGY

Strategic Pay has developed an evaluation methodology to assess the relative complexity, risk and scale of an organisation. The methodology has a number of factors we believe can be applied to any organisation to provide a means of assessing appropriate director fees. This is not an evaluation of the individual directors, or the performance of the organisation, but an evaluation of the organisation as a whole, in relation to the role of the directors. The factors are also based on the fundamentals of the organisation, not the skills or requirements of individual directors.

The methodology can be applied to a governance board for any type of organisation. **We have distilled the key factors that affect the complexity, workload, responsibility and risk carried by directors, and that therefore should have some influence on overall fees.**

All of the factors we have selected are interdependent and potentially impact on each other. However, we have tried to capture the most important elements that may impact on the complexity of the governance role and how this should be rewarded.

As a whole, we believe they are a good measure of the overall relative size, complexity and responsibility of the directors.

DirectorRate® Factors

- Complexity of Operating Environment

This factor evaluates the complexity of the environment in which the organisation operates.

- Innovation/Technology/Intellectual Complexity

Organisations have varying levels of complexity of the products or services that they provide. This adds to the difficulty of the directors' role.

- Board Discretion/Autonomy

Whilst a governance board always has overall responsibility for the direction and strategy of the organisation, this can vary greatly between organisations.

- Stakeholder Management

The level of interaction required with shareholders also adds to the complexity of the directors' role.

- Revenue/Capital Risk

Some organisations have very little risk regarding their income and funding, whilst for others income can be highly variable and requiring constant monitoring by the board.

- Liability Risk to Organisation

The risk of insolvency, or serious financial uncertainty, or potential for serious health and safety events is a significant responsibility for directors.

- Public Perception/Organisation Profile Risk

Most directors will evaluate the potential reputational risk in joining a board.

- Organisation Revenues and Assets

Annual revenues/turnover and Total Assets of the organisation

© 2023 Strategic Pay Limited

StrategicPay

APPENDIX 4: ABOUT STRATEGIC PAY LTD

About Strategic Pay

At Strategic Pay we provide innovative solutions to help organisations meet their strategic remuneration, performance development and improvement goals. We help improve your overall performance by ensuring employee effort, remuneration and rewards are closely aligned with business objectives.

Deliver strategic rewards

We work with you to provide a compelling proposition that attracts retains and motivates the best people.

Our adaptable solutions include:

- Remuneration and reward strategy development
- Executive remuneration, performance and incentives advice
- Salary options using job evaluation, grades, bands or benchmarks
- Salary review management, including processes, tools and training
- Performance development systems, including customised design and implementation

Access New Zealand's largest remuneration data services

We offer an unrivalled suite of over 30 nationwide and specialist industry and sector remuneration survey reports, based on New Zealand's largest remuneration database.

Use smart technology

We understand busy HR practitioners' needs and offer a range of smart tools to manage remuneration and survey submissions:

- RemWise®: a remuneration tool to manage all aspects of your salary review, market data and survey submissions
- Rem On-Demand®: online access to remuneration reports, resources and insights
- PayCalculator: survey data at your fingertips

Drive organisation performance

Superior organisational performance is critical to delivering strategic business objectives. Speak to us today about using PLUS+ to develop a future proof strategy, an organisational model and structure that supports the strategy and matching the right people to accountabilities best designed to deliver the strategy in your organisation.

Build capability

Through a range of workshops, we provide clients with comprehensive short courses in Remuneration. We also offer training programmes that can be tailored to meet your specific requirements.

Consulting

Strategic Pay services clients across New Zealand and the Pacific from our various locations. Our consultants regularly travel around the country and overseas to visit clients and are happy to meet wherever you are.
Find out more at www.strategicpay.co.nz

© 2023 Strategic Pay Limited

Hawke's Bay Regional Council

Regional Planning Committee

Wednesday 16 August 2023

Subject: Clifton to Tangoio Coastal Hazards Strategy and its Mātauranga Māori workstream updates

Reason for report

1. This item provides a progress update on the Clifton to Tangoio Coastal Hazards Strategy (the strategy).

Background

2. The strategy is now in Stage 4 of a four-stage development process that began in late 2014.
3. This is a coordinated approach to identifying and responding to the coastal hazards of erosion and inundation, and the influence of sea level rise, over the next 100 years.
4. Project governance is provided by a Joint Committee, formed with members from Hawke's Bay Regional Council, Maungaharuru-Tangitū Trust, Hastings District Council, Mana Ahuriri Trust, Napier City Council and Heretaunga Tamatea Settlement Trust.
5. Initially focusing on the coastline between Clifton and Tangoio, the strategy is intended to provide a model to adapt and roll out to other parts of the region that are exposed to coastal hazards.
6. 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.
7. In 2018 a report was prepared by Community Assessment Panels, recommending adaptive pathways for 9 priority units within the strategy area.
8. Since then, the Joint Committee and councils have been working on a response to the recommendations of the 2018 report, including:
   - 8.1. Developing more detailed designs and costings for the short-term works proposed under each of the recommended pathways
   - 8.2. Developing thresholds to determine when pathways need to be implemented to avoid intolerable coastal hazards effects
   - 8.3. Defining what a managed retreat response might look like in Hawke's Bay, how it might be done, and how much it might cost
   - 8.4. Developing an agreed position as between the Partner Councils as to who will lead Strategy implementation, including the funding of works under the Strategy.
9. The recommended pathways from the Community Panels are presented in the following tables 1 and 2. These pathways were refined through further community engagement in 2021 and 2022 with updates to the pathways shown as blue underlined text.

Table 1: Recommend Pathways - Northern Cell Assessment Panel

Unit	Preferred Pathway	Short Term (0-20 yrs)	→	Medium Term (20 – 50 yrs)	→	Long Term (50 – 100 yrs)
Whirinaki (B)	Pathway 4	Status quo/ Renourishment	→	Renourishment + Control Structures	→	Sea wall
Bayview (C)	Pathway 3	Status Quo/ Renourishment	→	Renourishment + Control Structures	→	Renourishment + Control Structures
Westshore (D)	Pathway 3	Renourishment	→	Renourishment + Control Structures	→	Renourishment + Control Structures
Ahuriri (E1)	Pathway 6	Status quo	→	Sea wall	→	Sea wall
Pandora (E2)	Pathway 3	Status quo	→	Storm Surge Barrier	→	Storm Surge Barrier

Table 2: Recommend Pathways - Southern Cell Assessment Panel

Unit	Preferred Pathway	Short Term (0-20 yrs)	→	Medium Term (20 – 50 yrs)	→	Long Term (50 – 100 yrs)
East Clive (J)	Pathway 1	Status Quo	→	Renourishment + Control Structures	→	Retreat the Line / Managed Retreat
Haumoana (K1)	Pathway 2	Renourishment + Control Structures	→	Renourishment + Control Structures	→	Managed Retreat
Te Awanga (K2)	Pathway 3	Renourishment + Control Structures	→	Renourishment + Control Structures	→	Renourishment + Control Structures
Clifton (L)	Pathway 5	Status quo	→	Sea wall	→	Managed Retreat

10. Following an April 2022 update to the Māori Committee, the new Mātauranga Māori Workstream was established and additional project resources were allocated to facilitate more effective input from mana whenua and to ensure the strategy is informed by Mātauranga Māori. The Joint Committee established a working group to develop the workstream with support from HBRC's Māori Partnerships Team.

11. Alongside work under the Mātauranga Māori and Coastal Ecology workstreams, a key remaining task, ahead of public notification, is the development of a funding model to determine how to allocate the costs for strategy implementation.

12. It was intended to notify the strategy for public review and comment in August 2023. In consideration of cyclone response and recovery efforts, strategy notification has been delayed until August 2024.

Discussion

13. The strategy is proposing fairly significant changes in the coastal environment in order to increase resilience to coastal hazards impacts. Effective mana whenua involvement will be central to the overall success of the Strategy.

14. Provided as **Attachment Two** is the scope for the Mātauranga Māori Workstream as developed by the working group and confirmed by the Joint Committee at their meeting in September 2022.

15. Any feedback or discussion on the workstream scope would be welcomed and appreciated.

16. Implementation of the Mātauranga Māori Workstream is being supported by Aramanu Ropiha,

who previously prepared a cultural values assessment for the strategy in 2017 and was engaged as the Kaitiaki o te Rōpū for the community assessment panel process though 2017 and 2018.

17. The project team would like to continue to update the Regional Planning Committee on progress, both on work under the Mātauranga Māori Workstream and the strategy more broadly. Any further feedback from the Committee on the preferred frequency and nature of updates would be appreciated.

Next steps

18. Subject to discussion and any direction from the Regional Planning Committee, the project team will look to provide 6-monthly updates as we progress towards August 2024 public notification. Additional workshops and discussions may also be requested as part of advancing work under the Mātauranga Māori Workstream.

Decision-making process

19. 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 *Clifton to Tangoio Coastal Hazards Strategy and its Mātauranga Māori workstream updates* report.

Authored by:

Simon Bendall
Coastal Hazards Strategy Project Manager

Approved by:

Chris Dolley
Group Manager Asset Management

Attachment/s

1⇩ Coastal Mātauranga Māori Workstream Scope September 2022

Clifton to Tangoio Coastal Hazards Strategy

Mātauranga Māori Workstream

Workstream Scope

Adopted by Joint Committee 23 September 2022

Workstream Purpose

a) To weave Mātauranga Māori through the ongoing development and implementation of the Clifton to Tangoio Coastal Hazards Strategy

Workstream Objectives

a) Develop a Mātauranga framework to articulate the values of tangata whenua around the coast in a way that respects and protects intellectual property and Mātauranga.

b) Facilitate and support effective tangata whenua participation in consultation / engagement processes into all aspects of the Strategy.

c) Inform the ongoing development of all workstreams under the Strategy

d) Provide expertise to support TAG and Joint Committee meetings and deliberations.

e) Maintain cultural safety, protect intellectual property rights, and ensure any information provided by tangata whenua is appropriately gathered, stored, applied and protected.

Workstream Outputs

1. **Cultural Values Frameworks**

   Develop cultural framework documents based on PSGE areas, that:

   a. Capture what's important / valued by whānau / the depth of relatedness at the Coast / spiritual connections

   b. Articulate aspirations of whānau / hapū

   c. Provide a mechanism for knowledge / Mātauranga to guide the development and implementation of the Strategy

   d. Support cross-application e.g. has utility for Kotahi / District Plans / RM Reform, etc.

2. **Mātauranga Māori Implementation and Reporting Plan**

   Develop a plan to incorporate the Cultural Values Frameworks into the Strategy development and implementation process and monitors outcomes for success.

3. **Taiao Monitoring Plan**

   Develop an actionable plan for gathering and reporting on coastal attributes / values identified by the Values Frameworks to establish a baseline of information that can support

analysis of impacts from climate change / coastal hazards and efforts to respond to / mitigate coastal hazards risks.

Workstream Resourcing

To be effective, the Mātauranga Māori Workstream requires specific expertise and dedicated resources.

Some of that expertise exists within partner councils (e.g. HBRC's Māori Partnerships team), however capacity constraints mean that additional external expertise will be required. It is proposed that a panel of external experts is established to call on for specific tasks.

In addition, to be effective the workstream must enable and facilitate direct discussion with tangata whenua.

Both the engagement of external expertise and interaction with tangata whenua require allocated budget within the Strategy.

It may also be possible to secure additional resourcing through interaction with other project work and/or research activities (e.g. Kotahi process, National Science Challenge projects, etc).

Hawke's Bay Regional Council

Regional Planning Committee

Wednesday 16 August 2023

Subject: Kotahi Plan update

Reason for Report

1. This item is provided as a regular update for the RPC on the progress and development of the Kotahi Plan.

Executive Summary

2. Following Cyclone Gabrielle the development of the Kotahi Plan was by and large paused, due to the significant impact of the cyclone on the community and tāngata whenua and the diversion of staff resources to response and recovery. It is however, important to keep the RPC updated regularly on progress of this programme of work.
3. Policy staff have been working on a number of aspects of cyclone recovery which will in turn provide a strong foundation for the development of the Kotahi Plan. This includes working within the Recovery team on the development of the Environmental Resilience Plan and supporting mana whenua through the development of contracts which assist in development and delivery of their locality plans alongside visions and values required under the National Policy Statement for Freshwater Management (NPSFM).

Strategic Fit

4. The work that the Policy team have been undertaking aligns with the strategic objectives of the organisation, in that it seeks to support the regions recovery and resilience after Cyclone Gabrielle, with the strategic objectives in mind.

Background

5. At the previous RPC meeting in May staff brought it to the Committee's attention that the Council would still be working to the deadline of December 2024 to notify the Kotahi Plan, to align with the NPSFM 2020 requirements. It was noted that staff were in ongoing discussions with MfE in relation to the implications and pressures this placed on the region in the wake of the cyclone. The RPC had indicated they would write in support (through the co-chairs) to the MfE Chief Executive to ask for an extension to the timeframe for the delivery of the NPSFM Freshwater Planning Instrument.
6. Since Cyclone Gabrielle the Policy work programme has substantially altered, and the work the team was engaged in on the development of the Kotahi Plan was paused while the team engages in the following significant work streams:
    - 6.1. Developing understanding about options for regional spatial planning as a solution to Cyclone Gabrielle within the context of the new Natural and Built Environment and the Spatial Planning legislation
    - 6.2. Working with Policy Implementation, Consents and Compliance staff and MfE officials to understand the needs and content for Orders in Council to support recovery and manage impacts of current national regulation
    - 6.3. Supporting development of the Resilience Plan Edition 1 and 2
    - 6.4. Working with and supporting our Treaty Partners in the development of their Locality Plans, providing input into the Environmental Resilience Pou and developing visions and

values for freshwater planning, through the development of a resourcing and funding framework.

6.5. Working with the Rural Recovery and Asset Teams to support the development of the Rural Recovery Strategy (Primary Sector Pou) and Infrastructure Pou

6.6. Supporting community hubs and meetings alongside the district and city councils for those within the community whose property has been directly impacted by the Cyclone and has been identified within Land Category 1, 2 or 3

6.7. Working with the Regional Recovery Agency, Territorial Authorities, DPMC, Treasury and MfE on the development of Future of Severely Affected Land (FOSAL) Policy

6.8. Reviewing regional issues with respect to the impact of Cyclone Gabrielle and considering options for faster resolution.

Discussion

7. The Council had embarked on the Kotahi Plan preparation process that aimed to combine all the Council's RMA plans (the Regional Policy Statement, Regional Resource Management Plan and Regional Coastal Environment Plan). This review was being driven by the need to update some aging provisions across these separate plans and to give effect to government direction in several National Policy Statements especially the NPS for Freshwater Management which requires freshwater plans to be notified by 31 December 2024.

8. As discussed at the May RPC meeting, the Policy team has been working closely with MfE officials to understand the options available for transitioning from a BAU planning programme to one that reflects the cyclone impacts. This included looking at opportunities potentially provided by the new regional spatial planning approach signalled in the Natural and Built Environments and Spatial Planning legislation replacing the RMA.

Legislative Recovery Planning

9. The Policy team is working alongside Policy Implementation, Consents and Compliance staff and MfE officials to understand the need and content for Orders in Council to support recovery and manage impacts of current national regulation.

10. This had included timeframes for statutory compliance, including notification of a freshwater plan by 2024 by the Council and enforcing landowner compliance with

    10.1. NES Freshwater regulations

    10.2. stock exclusion regulations

    10.3. freshwater farm plan (FWFP) regulations.

11. On 26 July Ministry for the Environment announced that it was consulting on Tranche 5 Orders in Council (from the 26 July to the 1 August). The OIC proposed temporary law changes to the RMA in direct response to Cyclone Gabrielle to help communities continue to recover from the severe weather events which affected the North Island in early 2023.

12. The proposals for Orders in Council which have a direct impact on the Policy and Regulation work programme are as follows:

    12.1. Proposal 1: to extend the statutory timeframe to take enforcement / prosecution action, from 12 months to 24 months.

    12.2. Proposal 2: to address late replacement applications that fall outside the RMA s.124 provisions due to delays caused by the cyclone by deeming a small number of water take consents to be permitted activities until replacement applications are determined. This would require them to meet the same standards as apply to their expiring consented water take activities.

12.3. Proposal 3: provide additional time to comply with the following national direction timeframes:

12.3.1. National Policy Statement for Freshwater Management timeframe to notify freshwater planning instruments by 31 December 2027, and

12.3.2. Resource Management (Stock Exclusion) Regulation timeframes to exclude stock from waterways.

Resilience Plan version 2

13. Policy team staff are supporting the development of the Council's Resilience Plan Edition 2. Staff are assisting with the drafting and compilation of the plan alongside the Recovery team.

Community support

14. Assistance with community meetings and community drop in sessions is being provided alongside other councils and welfare and insurance providers.

15. Following community meeting, hui and drop-in sessions an engagement report was prepared. The biggest sentiment emerging from the data set is 'uncertainty' which connects to the theme of 'communication'. Communities want better communication and information regarding timeframes, land categorisation processes, residential rebuilding, future risks, and what will be improved based on lessons learned.

Partnership with Mana Whenua

16. Work has begun on developing a pathway for mana whenua engagement with support from the Maori Partnerships Team. This pathway involves different options to provide resources and funding to help support the development of locality plans and provision of information required under the National Policy Statement for Freshwater Management.

Next steps

17. Staff will continue to progress work in the recovery space, with mana whenua and across the organisation. The intent is to progress these workstreams with a continued focus on the delivery of the freshwater Planning Instrument by the newly proposed deadline of December 2027.

Decision-making process

18. 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 *Kotahi Plan update*.

Authored by:

Ceri Edmonds
Manager Policy & Planning

Nichola Nicholson
Team Leader Policy & 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 16 August 2023

Subject: Update on Government's proposed resource management system reforms

Reason for Report

1. This report presents a brief update on the Government's proposed resource management system reforms currently in progress. As these reforms are still progressing through various legislative drafting and Parliamentary debate processes, this is an update – **not** an analysis of the proposals as they currently stand.

Update

2. On 27 June, the Environment Select Committee released its report, making recommendations to Parliament on the SPB and NBEB. The Environment Committee received written submissions from 2,945 organisations and individuals and heard from 365 submitters at hearings across the country, including the Hawke's Bay Regional Council's submission. The Environment Committee's reports contains a reprint of the two respective Bills with recommended amendments and a commentary where the Committee explains the recommended changes and the issues it has considered. The Committee's reports are available for viewing online as below:
   - 2.1. Spatial Planning Bill report (98 pages)
   - 2.2. Natural and Built Environment Bill report (1279 pages).
3. On Tuesday 18 July 2023, the following two bills passed their second readings (out of three) in Parliament:
   - 3.1. the Spatial Planning Bill (SPB)
   - 3.2. the Natural and Built Environment Bill (NBE).
4. The official record of all Parliamentary debates (*Hansard*) has recorded the various Ministers' speeches delivered during the second readings of the SPB and NBEB.
5. If these Bills are to be passed by Parliament during the current term of Government, then the Bills' third readings must be completed by 31 August (i.e. the last day of Parliament before it 'disbands' and Ministers turn more focus on their respective election campaigns).
6. In the wake of the Select Committee reports, various groups and other commentators have offered their quickfire observations about the Committee's recommendations. Below are just a few samples of such commentaries, but no doubt many others can readily be found online:
   - 6.1. New Zealand Planning Institute (lead institute of NZ's planning professionals)
   - 6.2. Wynn Williams (experts in resource management-related law)
   - 6.3. Local Government NZ's media statement.
7. Meanwhile, staff are anticipating an announcement by Ministers in August about the Climate Adaptation Bill ('CAB'). The CAB will not be passed during this current Government term. It will be something for the next Government to continue work on.

Decision Making Process

8. 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 *Update on Government's proposed resource management system reforms*.

Authored by:

Gavin Ide
Principal Advisor Strategic Planning

Approved by:

Katrina Brunton
Group Manager Policy & Regulation

Nic Peet
Chief Executive

Attachment/s

There are no attachments for this report.

Hawke's Bay Regional Council

Regional Planning Committee

Wednesday 16 August 2023

Subject: July 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 *July 2023 Policy Projects update*.

Authored by:

Mary-Anne Baker
Team Leader Policy & Planning

Nichola Nicholson
Team Leader Policy & Planning

Approved by:

Ceri Edmonds
Manager Policy & Planning

Attachment/s

1⇩ August 2023 RMA projects Update

2⇩ August 2023 Implementation of TANK Land Change Rules

Status Report on HBRC Resource Management Plan Change Preparation & Review Projects (as at 1 August 2023)

Updates since previous meeting (17 May 2023) are in green underlined text

Project	Narrative update	Next intended reporting to RPC
'PC7' Outstanding waterbodies plan change	1. Publicly notified on 31 August 2019. 41 submissions were received and 19 further submissions. Decisions on submissions were issued on 26 June 2021. 2. 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 3. The following parties have lodged appeals with the Environment Court: 3.1 The Māori Trustee 3.2 Royal Forest and Bird Protection Society of New Zealand Incorporated 3.3 Te Taiwhenua o Heretaunga, Te Runanganui o Heretaunga, Te Manaaki Taiao o Heretaunga and Ngāti Kahungunu Iwi Incorporated. 4. A copy of each of these appeals can be viewed at https://www.hbrc.govt.nz/hawkes-bay/projects/outstanding-water-bodies/ 5. Parties have asked the Environment Court to set a hearing date in late 2023 for those appeal matters where agreements could not be achieved. 6. A revised evidence exchange timetable has been agreed with Hearings now scheduled on or after 20 November 2023. 7. Expert evidence on behalf of HBRC is on track to be circulated no later than 11th August 2023. Evidence on behalf of appellants and other parties will be circulated to the Environment Court and participants in the weeks that follow.	Updates from staff as and when new information becomes available.
'PC9' Greater Heretaunga/ Ahuriri catchment area plan change (aka TANK)	8. The TANK Plan Change was notified on 2 May 2020. 9. The Hearings Panel consisting of Antoine Coffin (Chair), Dr Brent Cowie, Dr Greg Ryder, Dr Roger Maaka, and Rauru Kirikiri issued decisions on 9th September 2022. Decisions are online[1]. 10. 16 appeals have been filed in the Environment Court. Copies of those appeals are online.[2] 11. The Environment Court conducted a virtual judicial conference in May dealing with preliminary matters. 12. The Council is now corresponding with the Court and other appellants about the topic order and the commencement of mediation.	Updates from staff as and when new information becomes available.
Implementation of National Policy Statement on Urban Development 2020 (NPS-UD)	13. Three councils (HBRC, NCC and HDC) 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). 14. 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 and into 2024. 15. The FDS Joint Committee had its second meeting on 11th July 2023. The Joint Committee considered a draft issues and options report plus preliminary proposals for upcoming community engagement on the FDS project.	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
Ngaruroro and Clive Rivers Water Conservation Order	16. For more information, see: https://www.epa.govt.nz/public-consultations/decided/water-conservation-order-ngaruroro-and-clive-rivers/ 17. Refer for update in this agenda in Statutory Advocacy item. 18. NB: In June, NZ Geographic Board approved renaming of Clive River to Te Awa o Mokotüäraro.	Updates from staff as and when new information becomes available.
Statutory Acknowledgements of Treaty settlements	*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.*	Updates from staff as and when new information becomes available.
Cyclone Gabrielle Recovery Planning	19. Work on the Kotahi project (review of RPS, RRMP and RCEP) has been paused. 20. The planning team has been responding to needs for Cyclone recovery including: 21. assisting in the preparation of the first version of the Regional Council's Recovery Resilience Plan 22. assisting in a range of response and recovery functions and projects 23. providing advice in relation to emergency response actions 24. spatial planning analysis to assist with recovery planning 25. providing advice and input into the preparation of national emergency response legislation (see also update in statutory advocacy for more details). 26. The planning team continues to respond to the needs for Cyclone recovery including, assisting in the preparation of the second version of the Regional Council's Recovery Resilience Plan 27. Assisting in a range of recovery functions including community meetings and drop in sessions.	

Proposed Plan Change 9 - TANK Rules 4 and 5

Rule	Activity	Status	Conditions/Standards/ Terms	Matters for Control/Discretion	Non-notification
TANK 4 Use of Production Land	Land use change in in the TANK catchments pursuant to Section 9(2) RMA and associated non- point source discharges pursuant to Section 15 of the RMA	Controlled	a) The activity does not comply with the conditions of Rule TANK 3. b) The area of intensive winter gazing does not increase by more than 10 hectares compared to the total area in any year prior to 2 May 2020. c) The change in land use is no more than 10% of the total farm area, provided that the farm operator of the production land subject to the changed land use is a member of a Catchment Collective which has a Catchment Collective Freshwater Plan meeting the requirements of Schedule 29.	1. Modelling using models approved by Council to demonstrate the change in land use activity will be consistent with the requirements of POL TANK 20 2. Impact of the land use change on other contaminant loss risks including greenhouse gas emissions consistent with Policy 59 3. The measures being undertaken by the Catchment Collective to meet the 2040 target attribute states, including measures required as a result of the proposed land use change. 4. Measures to be undertaken which contribute to meeting the 2040 target attribute states including by: 4.1 Efficient use of nutrients and minimisation of nutrient losses Consent applications in that catchment will be considered without public notification and without the need to obtain written approval of affected persons. 4.2 Wetland management 4.3 Riparian management 4.4 Management of farm wastes 4.5 Management of stock including in relation to waterways and contaminant losses to ground and surface water 4.6 Measures required to maintain or improve the physical and biological condition of soils so as to reduce risks of erosion, movement of soil into waterways, and damage to soil structure 4.7 Measures to prevent or minimise any adverse effects on the quality of the source water used for a Registered Drinking Water Supply irrespective of any treatment process for the Registered Drinking Water Supply 5. Timeframes for any alternative mitigation measures 6. Duration of consent 7. Lapsing of consent 8. Review of consent conditions 9. The collection, recording, monitoring and provision of information including relevant model files.	Consent applications in that catchment will be considered without public notification and without the need to obtain written approval of affected persons

Rule	Activity	Status	Conditions/Standards/ Terms	Matters for Control/Discretion	Non-notification
TANK 5 Use of Production Land	Land use change in the TANK catchments pursuant to Section 9(2) RMA and associated non-point source discharges pursuant to Section 15 of the RMA.	Restricted Discretionary	a) The activity does not meet the conditions of Rule TANK 4.	1. Modelling using models approved by Council to demonstrate the change in land use activity will be consistent with the requirements of POL TANK 20. 2. Impact of the land use change on other contaminant loss risks including greenhouse gas emissions consistent with Policy 59. 3. The measures being undertaken by any relevant Catchment Collective to meet 2040 target attribute states, including measures required as a result of the proposed land use change. 4. Whether 2040 target attribute states in Schedule 26 are being met in the catchment where the new activity is to be undertaken. 5. The extent to which the land use change will affect the ability to meet water quality objectives. 6. Any measures required to reduce the actual or potential contaminant loss occurring from the property, taking into account their costs and likely effectiveness and including performance in relation to industry good management practice and requirements for: 6.1 Efficient use of nutrients and minimisation of nutrient losses. 6.2 Wetland management. 6.3 Riparian management. 6.4 Management of farm wastes. 6.5 Management of stock including in relation to waterways and 6.6 contaminant losses to ground and surface water. 6.7 Measures required to maintain or improve the physical and 6.8 biological condition of soils so as to reduce risks of erosion, 6.9 movement of soil into waterways and damage to soil structure 6.10 Measures to prevent or minimise any adverse effects on the quality of the h. source water used for a Registered Drinking Water Supply irrespective of any treatment process for the Registered Drinking Water Supply 7. Timeframes for any alternative mitigation measures 8. Duration of consent 9. Lapsing of consent 10. Review of consent conditions 11. The collection, recording, monitoring and provision of information.	If water quality limits and targets in Schedule 26 are being met in the catchment, consent applications in that catchment will be considered without public notification and without the need to obtain written approval of affected persons

Hawke's Bay Regional Council

Regional Planning Committee

Wednesday 16 August 2023

Subject: July 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 on 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 2023 Statutory Advocacy update*.

Authored by:

Gavin Ide
Principal Advisor Strategic Planning

Nichola Nicholson
Team Leader Policy & Planning

Approved by:

Ceri Edmonds
Manager Policy & Planning

Attachment/s

1⇩ August 2023 Statutory Advocacy Update

Statutory Advocacy Update (as at 1 August 2023)

Note: updates since reporting for previous Regional Planning Committee meeting (17 May 2023) are provided in green underlined text.

Table 1: National Proposals

NB: Department of Internal Affairs publish regular 'snapshots' of central government work programmes impacting on local government. View the latest July 2023 Summary version online.

Received	Proposal	Agency	Status	Current Situation
15 Nov 2022	**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 in 2021.	**Ministry for the Environment (lead) in association with various other Ministries**	Select Committee reported back to Parliament on 27th June. Parliament's 3rd readings of both Bills is pending.	The Government's comprehensive reform of the resource management system will repeal the RMA and replace it with three new pieces of legislation: • the Natural and Built Environment Act (NBEA) • the Spatial Planning Act (SPA) • Climate Adaptation Act (CAA). The Environment Select Committee released their 1279-page report into the new resource management law reforms on 27 June 2023 (for the SPA and NBEA). The Committee received more than 3,000 oral and written submissions with 94% of all submitters agreeing on the need for system reform. Both SPA and NBEA Bills passed their second readings in Parliament on 18th July. Parliament's third readings of those two Bills will need to be completed before 31 August if those bills are to be finalised and passed during this current term of Government. A copy of HBRC's submission (and other submissions) can be found at www.hbrc.govt.nz (keyword: #HBRCsubmissions) Significant changes recommended by the Select Committee to the NBE and SP Bills include: • Enabling local voice – strengthening the NBE Bill to give more effect to local democracy through statements of community expectation

Received	Proposal	Agency	Status	Current Situation
				• Housing and infrastructure – improving planning and consenting provisions such as notification, designations and fast-track • Fast-track consenting – a form of fast-track referral to consenting panels will continue during the transition from enactment of the NBE Bill to implementation of the new system by the regions. Fast-track was originally a temporary Covid response measure which will now continue to apply permanently for specified infrastructure and large housing developments • Hydro schemes – all schemes with generating capacity of more than 5MW (covering 99 per cent of all capacity) will be able to apply for replacement consents with durations of up to 35 years • Environment Court – like all courts, the Environment Court applies the law (including Te Tiriti o Waitangi provisions), but the Court is not constituted under the Treaty clause in the NBE Bill. This has been clarified in response to concerns raised by the Chief Justice • Tree protection – new national direction allowing local authorities to better protect urban trees without overly constraining development and change. Proposals for the Climate Adaptation Bill are intended to be unveiled later in 2023 (but not passed during the current term of Government).

Various	**Orders in Council under Severe Weather Emergency Recovery Legislation Act 2023 ('SWERLA')** Orders in Council are temporary law changes to assist achieving purposes of SWERLA. The principal purpose of SWERLA is *"…to assist communities and local authorities affected by severe weather to respond to, and recover from, the impacts of severe weather events [including Cyclone Gabrielle] …"*	Various Ministries	Various	

What	Status	
Hastings District Rating Valuations	In effect	weblink
Local Government Act amendments	In effect	weblink
Climate Change – Forestry	In effect	weblink
Income Tax Accommodation Expenditure for North Island Flooding Events	In effect	weblink
Outdoor burning of cyclone waste on rural land that would otherwise be prohibited under rules or national regs	In effect	weblink
Waste Minimisation Act	Proposal	weblink
Waste management for landfills and temporary waste sorting facilities	Proposal	weblink
Temporary accommodation under RMA	Proposal	weblink
Waka Kotahi repair works under RMA	Proposal	weblink
KiwiRail repair works under RMA	Proposal	weblink
Extend statutory timeframe for Gisborne DC and HBRC to take enforcement/prosecution action (from 12 months to 24 months) under RMA	Proposal	weblink
Deem a small number of water take consents issued by HBRC to be permitted activities until replacement applications are determined	Proposal	weblink
Provide additional time to comply with the following national direction timeframes: - NPS for Freshwater Management timeframe to notify freshwater planning instruments in Gisborne and Hawke's Bay	Proposal	weblink

Received	Proposal	Agency	Status	Current Situation
				- National Stock Exclusion Regulation timeframes to exclude stock from waterways in Gisborne and Hawke's Bay - National Planning Standards implementation timeframes for Hastings District Council Faster RMA plan changes enabling permanent housing and papakäinga — Proposal — weblink Replace the 2024 Long Term Plan with a three-year plan under LGA and no requirement for LTP audit — Proposal — weblink Various Government departments and ministries are continuing to evaluate the need for, and suitability of, additional draft Orders not listed in table above in one or more districts and regions affected by severe weather events. Copies of any submissions made on behalf of HBRC on OIC proposals can be viewed at www.hbrc.govt.nz (keyword #hbrcsubmissions).

Received	Proposal	Agency	Status	Current Situation
29 June 2023	National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat ('NPS-IPH') and National Environmental Standard for Greenhouse Gas Emissions from Industrial Process Heat ('NES-IPH') NPS-IPH weblink NES-IPH weblink	Ministry for the Environment (lead) in association with various other Ministries	Gazetted. Comes into effect from 27 July 2023	The NPS-IPH was notified in the NZ Gazette on 29 June 2023 and came into force on 27 July 2023. Its objective is to reduce greenhouse gas emissions by managing the discharge to air from the production of heat for industrial processes. The NPS sets out the national objective and supporting policy framework to guide decisions on resource consents required under the NES for Greenhouse Gas Emissions from Industrial Process Heat. The NPS-IPH is an example of new national direction that supports councils in their decision-making on discharges to air of greenhouse gas emissions from industrial sectors using process heat since changes were made to the RMA in 2022 to enable councils to consider the effects of greenhouse gas emissions on climate change. The NES-IPH sets out nationally consistent rules for specific greenhouse gas emitting activities from industrial process heat. In particular, the standards: • prohibit discharges of greenhouse gases from new low to medium temperature coal boilers immediately and from existing coal boilers after 2037 (after this date no further consents can be issued) • require resource consent to be held for new and existing fossil fuel boilers that emit 500 tonnes and above of CO2-e per year, per site • require resource consent applicants to prepare and implement greenhouse gas emission plans and set out actions to reduce emissions.

Received	Proposal	Agency	Status	Current Situation
7 July 2023	NPS for Indigenous Biodiversity	Ministry for the Environment (lead) in association with various other Ministries	Gazetted. Comes into effect from 4 August 2023.	The National Policy Statement for Indigenous Biodiversity was notified in the New Zealand Gazette on 7 July 2023 and comes into force on 4 August 2023. Its objective is to help tangata whenua and communities protect, maintain, and restore indigenous biodiversity across Aotearoa New Zealand. A guidance document on information for Māori can be found here: National-Policy-Statement-for-Indigenous-Biodiversity_Information-for-tangata-whenua.pdf (environment.govt.nz) Various other guidance materials (under guidance and factsheets) can also be found here: National policy statement for indigenous biodiversity | Ministry for the Environment Previously, in June 2022, the Government released an NPSIB Exposure Draft for targeted consultation. The first NPSIB proposal was back in 2010.
7 July 2023	Exploring a biodiversity credit system for NZ https://consult.environment.govt.nz/biodiversity/nz-biodiversity-credit-system/ The Government is exploring whether a biodiversity credit system could help to incentivise the protection and restoration of native wildlife in NZ. MFE and DOC are seeking feedback on the need for and the design of a biodiversity credit system, and the different roles of government and Māori in implementing it. The Government's aim is for a system that has impact and integrity, tailored to NZ's unique context and challenges.	MFE & DOC	Submissions close 3 Nov 2023.	HBRC staff are currently reviewing the discussion document material to determine if written feedback is warranted.

Received	Proposal	Agency	Status	Current Situation
3 July 2023	Improving NZ's Genetically Modified Organisms (GMO) regulations for laboratory and biomedical research https://consult.environment.govt.nz/comms/gmo-regulations/ The Government's proposals respond to concerns from the research community that current GMO regulations are hindering research and innovation. They aim to remove barriers to foster research and improve health outcomes. The Government's consultation document presents ten policy changes to: • regulate laboratory research more proportionately • streamline the approval and assessment process for biomedical therapies and medicines • ensure the regulations are more up to date and future proof. The proposals apply only to laboratory settings. They will not alter rules on the release of GMOs outside laboratory settings, such as the provisions for field trials and releases of GMOs into the environment.	Ministry for the Environment	Submissions close 25 Aug 2023.	No submission intended to be made by HBRC.

Various	Various Bills and amendments for setting up new regional Water Service Entities for reform of water services ('three water' services) In mid-April, Local Government Minister Kieran McAnulty announced further revisions of the 'Three Waters' reforms which the Government is now labelling as 'Affordable Water.' Government website FAQs say *"The Government will introduce and pass legislation to allow for the new [water services reform] timeframes before this year's general election… The Water Services Legislation Bill and the Water Services Economic Efficiency and Consumer Protection Bill which are both currently before Parliament are largely unaffected by the changes to the number and boundaries of entities and their go live date. These bills will continue their progress through Parliament."* The Government is implementing reform of water services through a suite of legislation, including: • The Water Services Entities Act • The Water Services Legislation Bill • The Water Services Economic Efficiency and Consumer Protection Bill • The Water Services Entities Amendment Bill. About the Water Services Reform programme weblink	Department of Internal Affairs (DIA)	Various	The Water Services Entities Amendment Bill introduced to Parliament on 16 June 2023 gives effect to Cabinet decisions on the water services reforms made in April and May 2023. The Bill forms part of the legislation that will reform the delivery of New Zealand's drinking water, wastewater and stormwater services. The Bill mainly makes changes to the Water Services Entities Act 2022. Public submissions closed on 5th July 2023. Key changes include: • Establishing 10 new water services entities based on existing regional boundaries • A staggered approach to WSE 'go live' dates, with all entities going live between 1 July 2024 and 1 July 2026 • Confirming the Northland and Auckland Entity will go live on 1 July 2024 • Providing for every territorial authority to be represented on the regional representative group (RRG) of their entity, together with an equal number of mana whenua representatives • Introducing 'Community Priority Statements' which can be presented to regional representative groups by persons that have an interest in water bodies within the entity area • A process to enable locally-led, voluntary mergers of two or more entities • Entity financing arrangements, including provision for a dedicated Water Services Funding Agency to be established as a backstop financing mechanism, if required • Shared services arrangements, including a provision for the responsible Minister to direct entities where collaboration or a whole of sector approach is required • Councils will continue to provide and fund water services during the extended establishment period for the entities, including transitional arrangements to be inserted in local

Received	Proposal	Agency	Status	Current Situation
				government legislation to deal with long-term planning, reporting, and rate setting obligations over this period. Previously... Parliament's Finance and Expenditure Select Committee considered submissions and made recommendations on several earlier Bills: ○ Water Services Economic Efficiency and Consumer Protection Bill (WSEECPL Bill) ○ Water Services Legislation Bill (WSL Bill) ○ Water Services Entities Bill (now an Act). HBRC did not make a submission on the first two bills above. However, Te Uru Kahika (the collective of regional councils and unitary authorities) did make a submission on the WSL Bill. HBRC's Group Manager Policy & Regulation appeared as one of the Te Uru Kahika presenters of that submission to the Select Committee hearing.
19 June 2023	**Developing an exception from the low slope map for lower intensity farming under national stock exclusion regulations** The low slope map, incorporated by reference in the stock exclusion regulations, was amended in 2022 to improve how it identifies low slope land and avoid capturing lower intensity farming in the high country. However, while those recent changes have largely addressed issues with low slope land identification, the map is still likely to capture some lower intensity farming systems (ie, on flat land and below 500m elevation). https://consult.environment.govt.nz/freshwater/low-slope-map-for-lower-intensity-farming/	MFE	Submissions closed 16 July 2023.	No submission made by HBRC.

Received	Proposal	Agency	Status	Current Situation
19 June 2023	A Review of the NZ Emissions Trading Scheme https://consult.environment.govt.nz/climate/nzets-review/ The Government is reviewing the NZ Emissions Trading Scheme to make sure it's fit for the job ahead. The review will focus on the benefits, trade-offs and risks of changing the NZ ETS so it can incentivise gross emissions reductions, but continue to support removals. It follows advice from He Pou a Rangi | Climate Change Commission. It recommended that the Government consider amending the NZ ETS to provide more robust support for gross emissions reductions and manage the amount of exotic forest planting driven by the scheme.	MFE	Submissions close 11 Aug 2023.	• HBRC staff are currently reviewing the discussion document material to determine if written feedback is warranted.

Received	Proposal	Agency	Status	Current Situation
19 June 2023	**A redesigned NZ Emissions Trading Scheme Permanent Forest Category** https://consult.environment.govt.nz/climate/nz-ets-permanent-forestry-category-redesign/ The Government is seeking feedback on proposals to manage afforestation by redesigning the New Zealand Emissions Trading Scheme's permanent forest category. In 2022, the Government consulted on proposals to restrict permanent exotic forests in the NZ ETS in response to concerns about the impacts on the environment and rural communities from these forests. The proposals generated wide interest prompting the Government to further investigate changes to the permanent forest category. There are three key decisions to consider when redesigning the permanent forest category: • Which forests should be allowed into the permanent forest category? • How should transition forests be managed to ensure they transition and reduce the financial risks to participants? • How should permanent forests be managed?	MFE	Submissions close 11 Aug 2023.	• HBRC staff are currently reviewing the discussion document material to determine if written feedback is warranted.

Received	Proposal	Agency	Status	Current Situation
13 Mar 2023	**Ministerial Inquiry Into Land Use in Tairawhiti and Wairoa Districts ('MIILU')** A Ministerial Inquiry into land uses associated with the mobilisation of woody debris (including forestry slash) and sediment in Tairawhiti/Gisborne district and Wairoa District. The Inquiry Panel members were Hon Hekia Parata (Chair), Matthew McCloy, and Dave Brash. Link: Panel's Terms of Reference Link: Panel's Report	**Minister for the Environment and Minister for Primary Industries**	Panel's report issued 12 May 2023	• Ministerial Inquiry Panel's report back to Ministers was issued on 12 May 2023. Report titled *'Outrage to Optimism'* is online. • Various ministers and government departments are working on their respective responses to the Panel's 49 recommendations. Environment Minister Hon David Parker has said *"the report will immediately inform the current review of the [National Environmental Standard] on Plantation Forestry"* although the timeframes for those amendments to come into effect are not yet known. • Staff understand Cabinet is scheduled to consider a package of responses at its meeting on 31 July. There may be some public announcements made thereafter. • The majority of the Panel's findings and recommendations are targeted to Tairawhiti and/or Gisborne District Council. Only a few of the recommendations directly relate to HBRC's regulatory activities. • Previously, HBRC's submission was lodged on 6th April 2023. A copy of HBRC's submission can be found at HBRC Submissions.

Received	Proposal	Agency	Status	Current Situation
20 April 2023	**Consenting improvements for renewable electricity generation and transmission** The Ministry of Business, Innovation and Employment along with the Ministry for the Environment is asking for feedback on proposals to strengthen government direction for consenting renewable electricity infrastructure. The proposals focus on strengthening the current national policy statements for renewable electricity generation and transmission to provide a consenting process that is more efficient, certain and environmentally sustainable. These proposals are being developed separately to the wider resource management reforms. https://www.mbie.govt.nz/have-your-say/renewable-electricity/	**MBIE and MFE**	**Submissions closed 1 June 2023.**	• HBRC's submission was lodged on 31 May 2023. A copy of HBRC's submission can be found at HBRC Submissions.

Table 2: Territorial Local Authority Proposals

Received	TLA	Proposal	Applicant/ Agency	Status	Current Situation
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	Decisions on behalf of CHBDC were issued 25 May 2023. Appeal period closed ~10 July.	On 25th May 2023, CHBDC issued its decisions on submissions on the proposed district plan. The Decisions were made on CHBDC's behalf by a Panel of Hearings Commissioners. HBRC has not lodged an appeal against any of the decisions made on its submission points. Meanwhile, several other submitters have filed appeals in the Environment Court. **Previously…** • Series of hearings were held by CHBDC during 2022. • HBRC's submission was lodged on 6 August. A copy of HBRC's submission can be found at HBRC Submissions.
15 July 2023	HDC	**Hastings District Plan Change 5 (Right Homes Right Place)** This is renotification of proposed PC5 following discovery of technical issues with the documents available at time of original public notification of PC5. PC5 introduces changes to the Hastings District Plan to enable more housing including three-story houses and apartments to be built within existing residential areas. https://www.hastingsdc.govt.nz/services/district-plan/changes/	Hastings District Council	Publicly re-notified 15th July. Submissions close 11 Aug 2023.	No submission intended to be made by HBRC.

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.
24 July 2017	**Application for Water Conservation Order (WCO)** Application for a WCO for the Ngaruroro River & Clive River (now officially renamed as Te Awa o Mokotūāraro).	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.	• The Environment Court's interim report (issued 4 Nov 2022) 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 closed on 25 Nov 2022. HBRC filed an appeal with the High Court. A High Court hearing date is yet to be rescheduled.

[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)	Currently awaiting a rescheduled Court hearing fixture date	• The Court of Appeal has accepted Ngāti Pārau's late Stage 2. It has also adjourned the scheduled hearing of the appeals until the Court releases its decision the *re Edwards* case which was heard early this year. Previously… • 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. • After declining a stay application (i.e. a pause in proceedings) from Ngāti Pāhauwera, the High Court has continued towards the finalisation of the maps and orders. • 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

Received	Proposal	Agency	Status	Current Situation
Various	**Applications to Minister for Environment requesting approval to use COVID19 fast-track consenting processes for development proposals at several locations within Hastings District and Napier City.**	**MFE and Environmental Protection Authority. Various applicants**	**Various**	• Earlier this year (2023), the Minister has decided to: ○ APPROVE fast-track process be used for a gravel extraction/quarrying operation at Maraekakaho adjacent to State Highway 50. ○ APPROVE fast-track process be used for residential development proposal (known as 'Wairatahi') by Heretaunga Tamatea Settlement Trust for site at Stock Road and Dundee Drive, Flaxmere ○ DECLINE use of fast-track consenting processes for: - Residential development proposal at Whirinaki - Residential development proposal at School Road, Clive - Residential development proposal at ex-Oderings Nursery site in Havelock North. • Fast-track consenting processes mean applications are to be lodged with the Environmental Protection Authority – not councils. HBRC will have short opportunity to make submissions on these applications in future once lodged with the EPA. • Status of fast-track consenting applications are as follows: ○ Maraekakaho quarry – applications not yet filed ○ 'Wairatahi' project – applications not yet filed ○ Riverbend project – applications not yet filed.