

TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Meeting of the Hawke's Bay Regional Council Māori Committee

Date: Wednesday 4 September 2024

Time: 11.00am

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

Agenda

ltem	Title	Page
1.	Welcome/Karakia/Notices/Apologies	
2.	Conflict of Interest Declarations	
3.	Confirmation of Minutes of the Māori Committee held on 21 August 2024	
4.	Call for minor items not on the Agenda	3
Informat	tion or Performance Monitoring	
5.	Coastal and River Bird Survey findings	5
6.	North Island Weather Events flood resilience programme	13
7.	September 2024 Statutory Advocacy and Resource Management reform update	19
8.	HBRC CE verbal update on current issues	
9.	Take Ripoata ā Takiwā – Taiwhenua representatives' updates	

10. Discussion of minor items not on the Agenda

Parking

- 1. Paid parking is available on Vautier Street adjacent to the HBRC Building & on Raffles Street.
- 2. There is free all-day parking further afield on Munroe Street or Hastings Street by Briscoes.
- 3. There are limited parking spaces (3) for visitors in the HBRC car park entry off Vautier Street it would be appropriate that the "visitors" parks be available for the members travelling distances from Wairoa and CHB.
- 4. If you do pay for parking elsewhere, please provide your receipt with your tavel claim for the meeting.
- **NB:** Any carparks that have yellow markings are NOT to be parked in please.

HAWKE'S BAY REGIONAL COUNCIL

Māori Committee

Wednesday 4 September 2024

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 Māori Committee accepts the following *minor items not on the agenda* for discussion as item 10.

Торіс	Raised by

HAWKE'S BAY REGIONAL COUNCIL

Māori Committee

Wednesday 4 September 2024

Subject: Coastal and River Bird Survey findings

Reason for report

 This report Provides a summary of the results of post-cyclone surveys of indigenous bird distribution and abundance along the Hawke's Bay coastline and Tūtaekurī, Ngaruroro and Tukituki Rivers. An introduction to the coastal survey was brought to the Māori Committee in November 2020 and the baseline results were presented in November 2021. Completed reports have been published (HBRC 5663 and 5664).

Executive summary

- 2. Hawke's Bay supports a diverse range of bird species, including internationally and nationally significant populations of indigenous shorebirds. Baseline river bird surveys were undertaken annually between 2019 and 2021 and a baseline coastal bird survey undertaken in 2021 this was part of our responsibilities for the sustainable management of natural resources and in line with our strategic goal of healthy, functioning and climate-resilient biodiversity.
- 3. Cyclone Gabrielle caused widespread impacts to coastal and freshwater bird habitats in Hawke's Bay. To quantify ecological impacts associated with the cyclone, a total of 331 km of the Hawke's Bay coastline, as well as 292 km along the Tukituki, Ngaruroro and Tūtaekurī Rivers, was re-surveyed between October 2023 and February 2024. The presence and number of all species of birds encountered was recorded for defined sections and these results were compared with pre-cyclone baseline results.
- 4. Significant declines were observed for several species. Notably, pohowera/banded dotterel numbers declined by 15% on the three rivers and by 31% along the coast, representing a 17% decline in the regional breeding population of this species. Similarly, the regional population of the river-breeding black-fronted dotterel declined by 30% and the regional population of the coastal-breeding tūturiwhatu/New Zealand dotterel also declined by 36%. Each of these results represent the largest population declines ever observed for these species in Hawke's Bay. It is not yet clear whether these observed declines are a result of adult mortality, or a change in bird distribution in response to declines in habitat quality. To better understand this, and whether populations are recovering, it is recommended that another 3-year series of river bird counts be repeated between 2026 and 2029, and that the coastal bird survey be repeated during the summer of 2028-29. It is also recommended climate change adaptation plans include measures to promote ecological resilience, particularly for climate-vulnerable species which have internationally or nationally significant populations in Hawke's Bay.

Strategic fit

- 5. The surveys contribute to our strategic goal of healthy, functioning and climate-resilient biodiversity (HBRC Strategic Plan 2020-2025).
- 6. They include critical information to increase the effectiveness of implementation existing and upcoming statutory frameworks including:
 - 6.1. Regional Coastal Environment Plan
 - 6.2. New Zealand Marine Oil Spill Readiness and Response Strategy 2018-2022
 - 6.3. National Policy Statement for Indigenous Biodiversity
 - 6.4. National Policy Statement for Freshwater Management

- 6.5. Resource Management Act (Section 30).
- 7. The survey aligns with programmes in Asset Management, Biosecurity, Biodiversity, Coastal/Marine Science, and Policy workstreams. The dataset will inform the Priority Ecosystem programme, determining Significant Conservation Areas along the coast, and Asset Management operational work.

Background

- 8. The Tūtaekurī, Ngaruroro and Tukituki River catchments support internationally and nationally significant populations of indigenous shorebirds, including pohowera/banded dotterels, black-fronted dotterels, poaka/pied stilts and tōrea/South Island pied oystercatchers. For example, these three rivers support three of the twelve largest single-river populations of pohowera/banded dotterels in New Zealand, representing an estimated 13% of the global population of this endemic shorebird.
- 9. Hawke's Bay Regional Council (HBRC) has statutory responsibilities for flood and erosion mitigation in Hawke's Bay, which includes carrying out activities with the potential to adversely impact shorebird populations. To address this risk, an Ecological Management and Enhancement Plan (EMEP) has been developed for each river. HBRC commissioned a three-year series of systematic shorebird surveys along 292 km of the Tūtaekurī, Ngaruroro and Tukituki Rivers between 2019 and 2021 to ensure an accurate, detailed and up-to-date understanding of abundance and distribution of shorebird species to enable the EMEPs to avoid or minimise any adverse impacts.
- 10. The Hawke's Bay coastline (ca 345 km) is an important breeding and foraging ground for many indigenous birds. A large proportion of these species are threatened or at risk of extinction including the 'Threatened- Nationally Endangered' matuku moana/reef heron and the 'At Risk' tūturiwhatu/New Zealand dotterel and tōrea pango/variable oystercatcher. Species diversity is particularly high at estuaries and coastal lagoons, and along shorelines with a diverse mix of sandy beach and rocky shore habitats.
- 11. HBRC has statutory responsibilities relating to the sustainable management of the natural values of the Hawke's Bay coastline, including its indigenous bird values. HBRC commissioned a complete and systematic survey of the Hawke's Bay coastline in January 2021, to create a regional-scale baseline measure of the diversity, distribution and abundance of indigenous birds inhabiting the Hawke's Bay coastline.
- 12. Cyclone Gabrielle caused widespread flooding, sedimentation and woody debris deposition in river catchments, estuaries and along the coastline in February 2023. The existence of the previous bird survey datasets created a unique opportunity to quantify the impact that Cyclone Gabrielle has had on shorebird populations. Quantifying these impacts greatly improves our understanding of how New Zealand's endemic and threatened shorebird species will respond to a changing climate and also assists HBRC to differentiate the impacts of extreme weather events from those caused by the Council's flood mitigation activities. As a result, another survey of the three rivers was commissioned in late 2023, and another survey of the coastline commissioned in early 2024, to allow comparison with pre-cyclone baseline results.

Discussion

- 13. A total of 2066 pohowera/banded dotterels were counted in all three river catchments during the 2023 post-cyclone survey, representing a 15% decline from the average of 2418 birds counted during the pre-cyclone surveys. Pohowera/banded dotterel numbers declined by 51% on the Tūtaekurī River, and by 20% on the Ngaruroro River. These are the steepest population declines to have been recorded on these rivers since these bird surveys began in 1962. Declines were not distributed evenly, with most occurring on the Ngaruroro River downstream of Maraekakaho and along the entire length of the Tūtaekurī River (Figure 1).
- 14. On the Hawke's Bay coastline, a total of 271 pohowera/banded dotterels were counted during the 2024 post-cyclone survey, representing a 31% decline from the 395 birds counted in 2021.

Declines were particularly severe at the base of Māhia Peninsula, in the vicinity of the Wairoa River mouth, along the Napier foreshore between Haumoana and Bayview, and at the Porangahau Estuary (Figure 2).

15. Pohowera/banded dotterels are entirely restricted to river and coastal habitats in Hawke's Bay, so the results of these surveys indicate that the regional breeding population of this species has declined by 17%. It is not yet known whether this regional decline has been caused by bird mortality due to inundation during the cyclone, or by birds emigrating to other parts of New Zealand in response to a decline in local habitat quality. If bird mortality is the cause, then this regional decline of 17% is equivalent to a 2% decline in the global population of this threatened, endemic species.



Figure 1: Percentage change in the density of pohowera/banded dotterels counted per survey section on the Tūtaekurī, Ngaruroro and Tukituki Rivers between 2019-2021 (pre-Cyclone Gabrielle) and 2023 (post-Cyclone Gabrielle).



Figure 2: Percentage change in the number of pohowera/banded dotterels counted per survey section along the Hawke's Bay coastline in 2021 (pre-Cyclone Gabrielle) and 2024 (post-Cyclone Gabrielle).

- 16. A total of 987 black-fronted dotterels were counted in the three river catchments, representing a 30% decline from the average of 1405 birds counted during the pre-cyclone surveys. Black-fronted dotterel numbers declined by 38% on the Tūtaekurī River, by 32% on the Ngaruroro and by 27% on the Tukituki River (Figure 3). These are the steepest population declines to have been recorded in all three of these catchments since these bird surveys began in 1962.
- 17. Black-fronted dotterels are largely restricted to the riverbeds of Hawke's Bay, so the 30% decline observed on these rivers represents a 30% decline in the regional breeding population of this species. It is not yet known whether this regional decline has been caused by bird mortality due to inundation during the cyclone, or by birds emigrating to other parts of New Zealand in response to a decline in local habitat quality. If bird mortality is the cause, then this regional decline of 30% is equivalent to a 15-17% decline in the national population of this 'At Risk' species.



Figure 3: Black-fronted dotterel densities (mean \pm S.E.) in three Hawke's Bay braided river catchments before and after Cyclone Gabrielle. Different lowercase letters indicate significant differences between pre- and post-cyclone surveys within each catchment using post-hoc Tukey tests with Bonferroni correction (P < 0.05).

- 18. A total of 1327 poaka/pied stilts were counted in all three river catchments during the 2023 post-cyclone survey, representing a 16% decline from the average of 1573 birds counted during the pre-cyclone surveys. Poaka/pied stilt numbers declined by 37% on the Tūtaekurī River and by 24% on the Tukituki River but increased by 13% on the Ngaruroro River. On the Hawke's Bay coastline, a total of 1058 poaka/pied stilts were counted during the 2024 post-cyclone survey, representing a 34% decline from the 1606 counted in 2021.
- 19. 26 tōrea/South Island pied oystercatchers were counted, representing a 43% decline from the average of 46 birds counted during the pre-cyclone surveys. The Tūtaekurī, Ngaruroro and Tukituki Rivers are the only locations in the North Island where this species breeds, so this observed decline represents a 43% decline in the North Island breeding population of this species.
- 20. Cyclone Gabrielle led to substantial reductions in riverbed vegetation in all three river catchments, and substantial increases in the percent cover of fine sediment. Lower levels of vegetation cover were associated with higher local densities of pohowera/banded dotterels, black-fronted dotterels and pied stilts, and a greater percent cover of fine sediment was associated with higher local densities of pohowera/banded dotterels (Figure 4).



Figure 4: Relationships between pohowera/banded dotterel density and the percent cover of riverbed vegetation (A) and in fine (B), medium (C) and coarse (D) substrates on Hawke's Bay braided rivers. Solid and dashed lines represent significant (P < 0.05) and non-significant relationships, respectively.

- 21. There was significant variation in cyclone impacts between different shorebird species inhabiting the Hawke's Bay coastline. Population sizes of a number of 'Threatened' or 'At Risk' species appear to have been unaffected by Cyclone Gabrielle, with similar numbers of matuku moana/reef herons, tōrea pango/variable oystercatchers, tarāpuka/black-billed gulls, tara/white-fronted terns and pīhoioi/New Zealand pipit counted both pre- and post-cyclone.
- 22. Several other 'Threatened' or 'At Risk' species do appear to have been severely impacted however, notably kawau/black shag (40% decline), kāruhiruhi/pied shag (42% decline), tūturiwhatu/New Zealand dotterel (36% decline), pohowera/banded dotterel (31% decline) and tarāpunga/red-billed gull (17% decline). Substantial declines were also observed for poaka/pied stilts (34%) and karoro/black-backed gulls (19%), two native species assessed as 'Not Threatened.' A 24% decline in kuihi/Canada geese and other introduced and invasive species was also observed
- 23. Tūturiwhatu/New Zealand dotterels declined by 36% from 222 birds counted in 2021 to 142 birds counted in 2024, representing a dramatic reversal in population trend for a species that had been increasing steadily in numbers since re-colonising the Hawke's Bay coastline in 1990. Local declines in tūturiwhatu/New Zealand dotterel numbers were observed along the entire length of the Hawke's Bay coastline but appeared to be particularly severe at the mouths of the Wairoa and Aropaoanui Rivers, Waipātiki Stream, as well as along the eastern coastline of



Figure 5: Percentage change in the number of tūturiwhatu/New Zealand dotterels counted per survey section along the Hawke's Bay coastline in 2021 (pre-Cyclone Gabrielle and 2024 (post-Cyclone Gabrielle).

24. The results of this survey demonstrate for the first time that extreme weather events exacerbated by human-induced climate change can lead to severe declines in shorebird populations at catchment and regional scales in New Zealand. This in turn provides the first empirical evidence that these species have a high degree of vulnerability to the impacts of climate change. It is not yet clear however whether these observed declines are a result of adult mortality, or a change in bird distribution in response to declines in habitat quality. It is also not yet known whether, or how quickly, these impacted bird populations will recover from these declines.

Next steps

- 25. These results provide the first empirical evidence collected in New Zealand that demonstrate the vulnerability of these threatened, endemic shorebird species to climate-change driven extreme weather events, and demonstrates for the first time that regional breeding populations of these species can suffer significant declines as a result of these weather events.
- 26. The severity of these declines indicate that climate change adaptation plans need to include measures to mitigate adverse impacts on our natural ecosystems. In the case of Hawke's Bay's internationally and nationally significant populations of riverbed and coastal-nesting shorebirds, mitigation could include large-scale mammalian predator control to offset losses caused by flooding, and the creation of artificial nesting habitats in less flood-prone locations.
- 27. In the case of coastal shorebirds, future changes in land-use and the construction of coastal defences in response to the rising sea level need to be done in such a way as to avoid a net loss of intertidal and foreshore habitats, as sea level rise causes habitats to migrate inland.
- 28. It is recommended that a second three-year series of river bird surveys be carried out between 2026 and 2029, and that a third coastal bird survey be carried out during the summer of 2028-2029, to assess the degree to which riverbed and coastal shorebird populations have recovered from the impacts of Cyclone Gabrielle.
- 29. Understanding whether, or how quickly, these shorebird populations recover from these observed declines will be crucial to further improving our understanding of the vulnerability of these species to the impacts of extreme weather events exacerbated by human-induced climate change. This improved understanding will in turn assist HBRC and other authorities to make better-informed decisions regarding the measures required to mitigate the impacts of climate change on these shorebird populations.

Decision-making considerations

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

Recommendation

That the Māori Committee receives and notes the Coastal and River Bird Survey findings staff report.

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Attachment/s

There are no attachments for this report.

Becky Shanahan Senior Scientist Marine & Coasts

HAWKE'S BAY REGIONAL COUNCIL

Māori Committee

Wednesday 4 September 2024

Subject: North Island Weather Events flood resilience programme

Reason for report

1. This item provides the Committee with information on the North Island Weather Events (NIWE) Resilience Programme and Infrastructure Programme Management Office (IPMO) and the current status of projects within the flood resilience programme with respect to mana whenua engagement specifically.

Background

- The Crown and Hawke's Bay Regional Council (HBRC) entered into the North Island Weather Events (2023) – Hawke's Bay Crown Funding Agreement on 10 October 2023 (the NIWE Agreement).
- 3. The NIWE Resilience Programme consists of several initiatives to provide flood protection schemes to multiple communities across Hawke's Bay and it also incorporates upgrades to both pumpstations and stopbanks associated with existing schemes, as well as Telemetry upgrades and Scheme Reviews.

Severely Affected Land Areas	Crown Funding	HBRC Funding	Total
Wairoa	\$70,000,000		\$70,000,000
Pākōwhai	\$70,676,470*	\$23,373,530*	\$94,050,000*
Whirinaki			
Ohiti			
Waiohiki			
Pōrangahau			
Sub Total			\$164,050,000
Pumpstation Upgrades	\$22,544,329	\$7,455,671	\$30,000,000
Rapid Repair – stopbank height increases	\$22,544,329	\$7,455,671	\$30,000,000
Telemetry	\$3,757,388	\$1,242,612	\$ 5,000,000
Scheme Reviews	\$2,254,433	\$745,567	\$ 3,000,000
Total	\$191,776,949	\$40,273,051	\$232,050,000

4. The packages of work funded through this agreement are highlighted below.

*For the purposed of this table the value for Tangoio (now Cat 3) and Joll Road (to be delivered by HDC) have been excluded from these values.

Delivering the programme

- 5. Hawke's Bay Regional Council's Infrastructure Programme Management Office (IPMO) was established in recognition of the significant step change in capital project delivery that HBRC needs to deliver flood infrastructure across Hawke's Bay. This work includes NIWE (North Island Weather Event) flood mitigation projects in the aftermath of Cyclone Gabrielle including:
 - 5.1. Flood mitigation projects for Waiohiki, Omahu, Whirinaki, Pākōwhai, Pōrangahau, and Wairoa
 - 5.2. Pump station, Telemetry, other Stopbank upgrades and Scheme Reviews.

- 6. There is also a portfolio of asset upgrade work that was underway before the cyclone hit, and is delivered by the IPMO:
 - 6.1. Water security: managed aquifer recharge, and water storage
 - 6.2. Gravel extraction from rivers and river treatments
 - 6.3. Parks and reserves: toilet blocks, ducting, power, non-potable water, parking, and general upgrades.
- 7. The IPMO has a dedicated Director (Jon Kingsford), Programme Management Office including Finance and Controls Manager, Health and Safety Advisor, an Operations lead, a Mana Whenua Engagement Facilitator, and a Comms and Engagement team, as well as Project Management teams. The IPMO sits within the Regional Council's Asset Management Group, headed by Chris Dolley.

Mana whenua engagement in the IPMO

- 8. The IPMO has comprehensive mana whenua engagement framework and process documents both created to guide meaningful collaboration and partnership with mana whenua in the delivery of works for the NIWE projects. This framework and process acknowledges the unique perspectives, values, and mātauranga of mana whenua and seeks to weave in mana whenua insights and aspirations into the planning and implementation of the critical projects to be delivered by the IPMO.
- 9. The mana whenua engagement framework is designed to meet and exceed the requirements set out in the Severe Weather Emergency Recovery Order 2024. The framework ensures early identification and engagement with relevant mana whenua entities, facilitates formal meetings, and promotes the establishment of working groups and Memorandum of Understandings (MOUs). It incorporates the use of Cultural Impact Assessments (CIAs) to assess cultural impacts and integrate mātauranga Māori (traditional knowledge) into project planning. Furthermore, it emphasises ongoing communication, capacity building, and cultural monitoring, ensuring mana whenua are active participants throughout the project lifecycle.
- 10. MOUs have been developed by the IPMO (Mana Whenua Engagement Facilitator) and are utilised when engaging mana whenua in partnerships, to complete CIAs etc.

The NIWE Flood mitigation projects

- 11. Each of the projects below has a public project hub page housed on the HBRC website. The hubs house the latest update on the project (usually the latest newsletter) and:
 - 11.1. The project timeline
 - 11.2. Background of the project
 - 11.3. The project team
 - 11.4. Contact details for enquiries (email, web form, phone numbers)
 - 11.5. Archive of previous newsletters
 - 11.6. Archive of meeting notes (from community meetings)
 - 11.7. FAQs (where applicable)
 - 11.8. Useful links (e.g. Insurance Council, relevant TA, financial and housing support etc).

Wairoa (\$70m)

- 12. The largest of the NIWE works programme to move 627 Category 2C properties to Category 1. Two engineering solutions are tabled – stopbanks and spillway.
 - 12.1. **August:** A Crown Manager, Lawrence Yule, was appointed and discussions are underway as to how the engagement will be handled. Sue Wilson has been employed on a contract basis as Engagement Advisor based in Wairoa, and funding for a Wairoa-based Mana

Whenua Engagement Advisor has been received. Two preferred solutions have been recommended by the Stakeholder Group to go to the Tripartite in early September.

12.2. The project working group will reconvene and lead the oversight of the CIA delivery. In late August, Tātau Tātau o te Wairoa has indicated that they will project manage the delivery of the CIA.

Whirinaki (\$11.5m)

- 13. This project ensures 38 Category 2C properties can move to Category 1. Engineering solutions include raising SH2, new stopbanks, upgrades to existing stopbanks, and upgraded culverts.
 - 13.1. **August:** Petane Marae will be leading the delivery of the CIA. Ongoing engagement with Petane Marae who will progress with entering into an MOU. We are working closely with representatives from Petane Marae on the ground.

Waiohiki (\$10m)

- 14. This project ensures 46 Category 2C properties can move to Category 1. The engineering solution includes a new stopbank, stream alignment, and new drainage swales.
 - 14.1. **August:** Ongoing engagement with hapū representatives and project updates. An agreement will be entered in to with the number of landowners for road access.

Ohiti Rd/Omāhu (\$10m)

- 15. This project ensures 11 Category 2C properties can move to Category 1. The engineering solution includes stopbanks, stream works and drainage.
 - 15.1. **August:** HBRC met with representatives of Te Piringa hapū at the marae to discuss the IRG programme work, Ohwia Stream work, and repairs to the stopbank. The discussion also covered the Cultural Impact Assessment (CIA) and Memorandum of Understanding (MOU). The scope of work for the CIA (IRG and Ohwia works) is expected within the week following the meeting. Ongoing communication is taking place regarding the MOU.

Pākōwhai (\$50m)

- 16. This project ensures 74 Category 2C properties can move to Category 1. Engineering solutions include stopbank rebuilds, stream alignment, drainage, and overland flow management.
 - 16.1. August: Ongoing engagement with mana whenua continues. A lead has been identified to write the Cultural Impact Assessment (CIA) for Ngāti Hori, Ngāti Hawea, and Ngāti Hinemoa. Another lead has been identified to manage the CIA for Waiohiki/Ngāti Pārau. The scope of work has been sent to the writers for their review, completion, and agreement. Ecological works are scheduled to start the week of 19 August. Kaitiaki from Waiohiki Marae and Waipatu Marae will assist and work with the ecologists as they undertake assessments.

Porangahau (\$13m)

- This project ensures 138 Category 2A properties can move to Category 2C and then Category 1. Engineering works will include stopbanks, sheetpiling, river management and drainage. Porangahau is the last remaining community in 2A. Fortnightly update meetings are held with CHBDC.
 - 17.1. **August:** Ongoing communication with Ngāti Kere and Rongomaraeroa Marae has led to a request for a joint MOU to strengthen our partnership as part of these works. This agreement will be progressed quickly.

Project	Proposed and/or confirmed solution	Timeframe	Mana Whenua Engagement Lead	Hapū Marae	PSGE
Omāhu Ohiti Flood Mitigation	New stopbank	Start summer 2024-2025 Approx six month delivery	Te Kaha Hawaikirangi	Te Piringa Hapū	Omāhu Ohiti Flood Mitigation
Whirinaki Flood Mitigation	New stopbank	Start mid- 2025 tbc	Jack Smith- Ballingall	Petane Marae	Whirinaki Flood Mitigation
Wairoa Flood Mitigation	New stopbank and/or floodway	ТВС	Nathan Heath and Te Wairama Munro	Tātau Tātau o Te Wairoa Tawhiti a Maru Marae Takitumu Marae Ruataniwha Marae	Wairoa Flood Mitigation
Pōrangahau Flood Mitigation	New stopbank	Late 2025 Approx six month delivery	Te Kaha Hawaikirangi	Rongomaraearoa Marae Ngāti Kere Hapū Authority	Pōrangahau Flood Mitigation
Waiohiki Flood Mitigation	New stopbank	Summer 2024 Approx six month delivery	Te Kaha Hawaikirangi (although not engaged in MOU or scope)	Waiohiki Marae Ngāti Parau Hapū Trust	Waiohiki Flood Mitigation
Pākōwhai Flood Mitigation	New stopbank	Late 2025 Approx six month delivery	Te Kaha Hawaikirangi (although not engaged in MOU or scope)	Ngāti Hawea Ngāti Hori Ngāti Hinemoa	Pākōwhai Flood Mitigation
Tūtaekuri Cultural Values Assessment		Complete by end 2024	Te Kaha Hawaikirangi (although not engaged in MOU or scope)	Moteo Marae Wharerangi Marae Timikara Marae Waiohiki Marae	Tūtaekuri Cultural Values Assessment
Ngāuroro Cultural Values Assessment		Complete by end 2024	Anthony Tipene- Matua and Te Kaha Hawaikirangi	Te Piringa Hapū Tamatea Pōkai Whenua Taiwhenua o Heretaunga	Ngāuroro Cultural Values Assessment

Pump stations

- 18. Pākōwhai Progress has been made in identifying key contacts from Kohupatiki Marae for the Farndon Rd and Pākōwhai pump station Cultural Impact Assessment (CIA), and a writer has been selected. The draft scope of work has been sent for completion. A meeting was held on 20 August to advance the CIA and MOU.
- 19. Awatoto Ngāti Pārau Hapū Trust has identified a key contact and selected a writer for the Cultural Impact Assessment (CIA) for this project.
- 20. Brookfields– Ngāti Pārau Hapū Trust has identified a key contact and selected a writer for the Cultural Impact Assessment (CIA) for this project.

Asset Management Group BAU projects (administered and delivery by the IPMO)

- 21. **Tūtaekurī CVA** Ongoing collaboration with Mana Ahuriri Trust in developing this document. The work is progressing well, with the estimated completion targeted for the end of the year. Regular updates and wānanga are being held with hapū.
- 22. **Ngāuroro CVA** The plan is progressing well and is currently in its final draft stage, it is currently under review with TPH. An interim report has been submitted further and revisions are expected before finalising the document.
- 23. **Farndon Road** Progress has been made in identifying key contacts from Kohupatiki Marae for the Farndon Rd and Pākōwhai pump station Cultural Impact Assessment (CIA), and a writer has been selected. The draft scope of work has been sent for completion. A meeting was held on 20 August to advance the CIA and MOU.
- 24. **Omaranui stopbank upgrade** Ongoing engagement with the Moteo Marae and Ngāti Pārau Hapū representatives is underway for the Cultural Impact Assessment (CIA) related to this work.
- 25. **Maraenui Golf Course** Ngāti Pārau Hapū Trust has identified a key contact and selected a writer for the Cultural Impact Assessment (CIA).
- 26. **Moteo** Ongoing engagement with the Moteo Marae representative is underway for the Cultural Impact Assessment (CIA) related to this work.
- 27. **East Clive Tukituki** The chairperson of Matahiwi Marae has been in contact with the relevant party, and a writer has been identified for the Cultural Impact Assessment (CIA). The scope of work has been sent for review. A meeting is scheduled onsite for 20 August to progress the CIA.
- 28. **Raupare Upper and Chesterhope Upper** HBRC met with representatives of Te Piringa Hapū at the marae to discuss the BAU programme of work, Ohiwia Stream work, and repairs to the stopbank. The discussion also covered the Cultural Impact Assessment (CIA) and Memorandum of Understanding (MOU). The scope of work for the CIA (BAU and Ohiwia works) is expected within the week following the meeting. Ongoing communication is taking place regarding the MOU.
- 29. **Brookfield Lower** Ngāti Pārau Hapū Trust has identified a key contact and selected a writer for the Cultural Impact Assessment (CIA).
- 30. **Pākōwhai Park, Raupare Lower** No engagement has started yet; this has been raised with the relevant party. However, there are plans to engage a suitable candidate to discuss undertaking this CIA, as they are leading the CIA in Pākōwhai.
- 31. **Ohiwia Stream works** HBRC met with representatives of Te Piringa Hapū at the marae to discuss the BAU programme of work, Ohiwia Stream work, and repairs to the stopbank. The discussion also covered the Cultural Impact Assessment (CIA) and Memorandum of Understanding (MOU). The scope of work for the CIA (BAU and Ohiwia works) is expected within the week following the meeting. Ongoing communication is taking place regarding the MOU.

What the next six months look like

- 32. The IPMO will continue to prioritise the delivery of key flood resilience projects and we will continue working in partnership with mana whenua, hapū, and marae, undertaking CIAs and entering into MOUs to support resourcing and capability. We remain committed to upholding our mana whenua engagement framework, ensuring that the voices and perspectives of mana whenua are integral to our project planning and implementation processes.
- 33. To maintain transparency and foster continued collaboration, we propose providing the HBRC Māori Committee with regular updates on the progress of these projects. We are open to discussing the preferred format and frequency of these updates, whether through monthly reports, dedicated project updates, or regular briefings at future committee meetings.

34. Your feedback is crucial to ensuring that our approach aligns with the expectations and needs of the Māori Committee. We look forward to your guidance on how best to keep you informed and engaged as we move forward.

Decision-making considerations

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

Recommendation

That the Māori Committee receives and notes the *North Island Weather Events flood resilience programme* staff report.

Authored by:

Jess Bennett Programme Finance & Controls Manager	Sarah Cameron Team Leader - IPMO Communications & Engagement	
Te Kaha Hawaikirangi	Jon Kingsford	
Kaihautū Pūtaiao - Mātauranga Māori	Manager Regional Projects	
Approved by:		
Chris Dolley		
Group Manager Asset Management		

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

Māori Committee

Wednesday 4 September 2024

Subject: September 2024 Statutory Advocacy and Resource Management reform 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. This edition features a new-look style. And feedback on this new style is invited.
- The Statutory Advocacy project centres on local resource management-related proposals upon which the Regional Council has an opportunity to make comments or to lodge a submission. These include, but are not limited to:
 - 2.1. resource consent applications publicly notified by a territorial authority
 - 2.2. reviews and changes to district plans overseen by a territorial authority
 - 2.3. non-statutory strategies, structure plans, registrations, etc prepared by territorial authorities, government ministries or other agencies involved in resource management.
- 3. From time to time, the Statutory Advocacy project also coordinates the Regional Council's feedback on resource management-related proposals from central government agencies such as Ministry for the Environment, Ministry for Primary Industries and Parliamentary Committees etc.
- 4. In all cases, the Regional Council is **<u>not</u>** the decision-maker, applicant nor proponent.
- 5. Copies of formal submissions made by the Regional Council on resource management-related proposals can be viewed online at <u>www.hbrc.govt.nz</u> (keyword #hbrcsubmissions).

Decision-making process

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

Recommendation

That the Māori Committee receives and notes the *September 2024 Statutory Advocacy and Resource Management reform update*.

Nichola Nicholson

Acting Manager Policy & Planning

Authored by:

Gavin Ide Principal Advisor Strategic Planning

Approved by:

Katrina Brunton Group Manager Policy & Regulation

Attachment/s

1. Statutory Advocacy Update July-August 2024

July-August 2024

The Statutory Advocacy Update centres on proposals forwarded to the Hawke's Bay Regional Council and assessed by staff acting under delegated authority as part of the Council's Statutory Advocacy project:

- Advocacy relates to the resource management-related proposals
- These are proposals where there is an opportunity to provide feedback or a submission
- HBRC is not the decision-maker, applicant nor proponent.

The following summary outlines those proposals that the Council's Statutory Advocacy project is currently **actively** engaged in.

National	 Reforming the Resource Management System – Tranche One RMA changes
	 Reforming the Resource Management System – Tranche Two RMA changes etc.
	 Climate Change Adaptation Framework
	Fast-track Approvals Bill
Regional	 Severe Weather Emergency Recovery Legislation Act and Orders in Council
	Napier City Council Proposed District Plan
	 Notified resource consent for 59-lot residential subdivision at 68 Franklin Road, Bay View, Napier
	 Hastings District Council Proposed Plan Change 6 – Lifestyle subdivision
	 COVID-19 fast-track consenting applications
	 Marine and Coastal Area (Takutaí Moana) Act 2011 (MACAA) applications
Other	 Application for Water Conservation Order – Ngaruroro and Clive Rivers

Inactive proposal for current reporting period (with date of previous report to Committee)

•	Proposed amendments National Policy Statement for Highly Productive Land (NPS-HPL)	May 2024
•	Proposed National Policy Statement for Natural Hazard Decision-making (NPS-NHD)	May 2024

Completed proposals (no further reporting)

•	Select Committee Inquiry into Climate Adaptation	May 2024
•	Exploring a Biodiversity Credit System	May 2024



Subject	Reforming the Resource Management System – Tranche One RMA amendments
Туре	Legislation
Owner / Lead	Ministry for the Environment (plus other Ministries)
Summary	Proposed changes to the resource management system aim to give councils and consent applicants more certainty while the Government develops new legislation to replace the Resource Management Act (RMA).
	Previously, the Coalition Government had repealed both the Natural and Built Environment Act and Spatial Planning Act. The Government has also introduced several other Bills, including the following that will influence the wider resource management system:
	 Fast-track Approvals Bill Resource Management (Extended Duration of Coastal Permits for Marine Farms) Amendment Bill Local Government (Water Services Preliminary Arrangements) Bill.
Update	Resource Management (Freshwater and Other Matters) Amendment Bill is part-way through a Parliamentary process. Submissions have closed and Select Committee hearings have concluded. Key changes proposed in the Bill relate to:
	 Excluding the NPS-FM's hierarchy of obligations from consideration in new resource consenting. Repealing low slope map & related requirements from stock exclusion regulations. Repealing permitted and restricted discretionary activity regulations for intensive winter grazing from the National Environmental Standards for Freshwater (NES-F). Aligning provisions for coal mining with other mineral extraction activities under the National Policy Statement for Indigenous Biodiversity (NPS-IB), NPS-FM and NES-F. Imposing a 3-year suspension of requirements under the NPS-IB for territorial authorities to identify new Significant Natural Areas (SNAs) in district plans. Speeding up and simplifying process for preparing and amending national direction, including NESs, NPSs, national planning standards and the NZ Coastal Policy Statement.
Potential Impacts for HBRC	There are significant looming impacts on workstreams across the council resulting from the amendments to the RMA. These will continue to be worked through as these bills each work through the Parliamentary processes and as more details are confirmed.
Actions arising	No action from HBRC currently required. Remain actively involved in various regional government sector working groups.
Important Date	30 September 2024 – Due date for Select Committee's report back to Parliament.
Further Information	https://environment.govt.nz/what-government-is-doing/areas-of-work/rma/changes-to-resource- management/
HBRC Lead	Principal Advisor Strategic Planning - Gavin Ide



Subject	Reforming the Resource Management System – Tranche Two of RMA amendments, etc.
Туре	Legislation
Owner / Lead	Ministry for the Environment (plus other Ministries)
Summary	A second tranche of amendments to the RMA (and other legislation) has been foreshadowed in the Coalition Agreements and 2024 Quarter 3 work programme. The second tranche of RMA amendments are likely to progress the Government's reform
	programme, including (indicative only):
	 onew Housing Growth programme, with proposed changes including. onew Housing Growth Targets for Napier and Hastings councils to "live zone" 30 years' worth of feasible development capacity in their district plans o enabling greenfield development o introducing further intensification requirements to ensure councils enable appropriate levels of intensification in their urban areas e.g. around strategic transport corridors o introducing new direction on mixed-use development o making it easier to build supplementary units (a.k.a. 'granny flats').
	Amendments to the NPS for Highly Productive Land
	 Consenting changes for renewable electricity generation and lines, forestry and farming
	 Urgent amendments to RMA to clarify management of discharge consents in a practical way, following two recent High Court decisions on sections 70 and 107 of RMA
	 The regulatory interface between the RMA and Fisheries Act
	 A new single instrument of National Direction for natural hazards.
Update	In recent weeks, various Government Ministers continue to make announcements about intended policy amendments (for example, in relation to aquaculture, energy, infrastructure, affordable housing, discharge consents, natural hazards, and others). Further details of most of those announcements is yet to be publicly released.
Potential Impacts for HBRC	There are likely to be significant looming impacts on workstreams across the council resulting from further RMA amendments. These will continue to be worked through as respective Bills work through Parliamentary processes and as more details are confirmed.
Actions arising	No action from HBRC currently required. Actively engage in relevant preliminary proposals and opportunities for feedback to government officials as time and priorities suit. Remain actively involved in various regional government sector working groups.
Important Dates	Tranche 2 RMA amendment Bill expected to be introduced into Parliament in late 2024. No further dates confirmed.
Further Information	Ministry for the Environment – RMA area of work programme Ministry of Housing and Urban Development – Going for Housing Growth programme Media release – Government to clarify discharge consenting Media release – Government's next steps for electrifying New Zealand
HBRC Lead	Principal Advisor Strategic Planning - Gavin Ide



Name	Climate Change Adaptation Policy programme
Proposal Type	National Framework
Owner / Lead	Ministry for the Environment (plus other Ministries)
Summary	Multiple work programmes are running simultaneously in relation to climate adaptation. Key features of those initiatives include:
	 A Climate Change Adaptation Framework intended to set out the Government's approach to sharing the costs of adapting to climate change. The framework aims to cover ways to:
	 Minimise the long-term costs to NZ of adapting to the impacts of natural events.
	 Provide certainty for property owners and ensure any support is predictable, principled, and fair. This includes clarity about the Government's response and the roles of insurers, local government, and other groups.
	 Improve the sharing of information so that everyone – individuals, communities, councils, and industries - can make informed decisions.
	 Contribute to maintaining efficient housing and insurance markets.
	 Ensure people have the ability and incentive to make decisions to reduce their risk where they can.
	 Parliament's Finance and Expenditure Select Committee is conducting an Inquiry to develop and recommend objectives and principles for the design of an adaptation framework. The Inquiry is covering:
	 The nature of the climate adaptation problem New Zealand faces
	 Investment and cost-sharing
	 Roles and responsibilities
	 Climate risk and response information-sharing.
Update	Public submissions to the Inquiry closed on 16 June 2024. HBRC made a joint submission with the Hawke's Bay Regional Recovery Agency, Hastings District Council and Napier City Council.
	A submission was also made by the Clifton to Tangoio Coastal Hazards Strategy Joint Committee. The Select Committee has completed its hearings.
	On 10 July 2024, the Government released its climate change strategy , setting out its approach to how it will deliver on New Zealand's climate goals. More information here: <u>Government releases</u> new climate strategy Ministry for the Environment.
Potential Impacts for HBRC	There are likely to be significant looming implications on various workstreams across the council resulting from momentous legislation being prepared for tackling the challenges of climate change adaptation – challenges that are not unfamiliar to HB and HBRC.
	These will continue to be worked through as the Framework and Inquiry are translated into Bills and other central government policy packages where more details will inevitably emerge and be confirmed.
Actions arising	None – submissions to Inquiry have been presented.
Important Date	1 Oct 2024 (was 5 Sept) – due date for Finance & Expenditure Committee report back to Parliament.
Further Information	Ministry for the Environment – Climate Adaptation Framework New Zealand Parliament – Finance and Expenditure Committee Inquiry
HBRC Lead	Principal Advisor Strategic Planning - Gavin Ide



Name	Fast-Track Approvals Bill 2024
Proposal Type	Legislation
Owner / Lead	Ministry for the Environment (plus other Ministries)
Summary	The Fast-track Approvals Bill is an omnibus bill. It would enable a 'one-stop shop consenting and permitting scheme' for infrastructure and development projects that are considered to have significant regional or national benefits. Consenting and approvals are to be bundled under a range of different legislation including:
	 resource consents, notices of requirement, and certificates of compliance (Resource Management Act 1991) concessions (Conservation Act 1987) authority to do anything otherwise prohibited under the Wildlife Act 1953 archaeological authority (Heritage New Zealand Pouhere Taonga Act 2014) marine consents (Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012) land access (Crown Mineral Act 1991) aquaculture activity approvals (Fisheries Act 1996).
Update	Public submissions on the Bill closed in April 2024. The Select Committee has heard a selection of submitters' presentations. The Select Committee is in deliberation and due to report back to Parliament in October. Ministers have announced intentions to further modify Bill's proposals, including removing role of Ministers in making final decisions on Panel's recommendations.
Potential Impacts for HBRC	HBRC already has experience participating in two recent resource consent applications under the COVID-19 Fast-track consenting legislation, but the Fast-track Approvals Bill will inevitably bring its own nuances, details and challenges for HBRC to work through. Impacts on workstreams across the council will need to be assessed as the Bill progresses.
Actions arising	No action from HBRC currently required. Remain actively involved in various regional government sector working groups to identify common implementation challenges and solutions.
Important Dates	18 Oct 2024 – Due date for Select Committee report back to Parliament. Bill is expected to be passed into law by late 2024.
Further Information	New Zealand Parliament website – Fast-track Approvals Bill Ministry for the Environment website – Fast-track Approvals Bill
HBRC Lead	Principal Advisor Strategic Planning - Gavin Ide



Name	Napier City Council Proposed District Plan
Proposal Type	Proposed Plan under RMA
Owner / Lead	Napier City Council (NCC)
Summary	The Proposed District Plan (PDP) review was publicly notified on 21 September 2023. Public submission period closed 15 December 2023. The PDP provides a comprehensive framework for guiding land use, subdivision and development for Nanier City and includes policies and rules. Same (but not all) rules have immediate land.
	effect from the date of notification.
	NCC have indicated it intends to publicly notify 'Variations' to the PDP to introduce specific chapters and other provisions relating to natural hazards and indigenous biodiversity.
Update	The summary of submissions received and call for further submissions was notified in April 2024. An addendum summary was re-notified in June 2024. The closing date for making further submissions was 2 July 2024.
	HBRC made further submissions on original submissions made by others relating to:
	 subdivision, wastewater and stormwater management highly productive land earthworks
	 natural hazard risk and flood-free building platforms regionally significant infrastructure.
	NCC intending to commence series of hearings ~October/November 2024 running through into mid-2025.
Potential	The Proposed District Plan must give effect to the Regional Policy Statement.
Impacts for HBRC	HBRC lodged submissions in relation to natural hazards and risk, indigenous biodiversity, climate change and transportation.
Actions arising	No action by HBRC currently required. Next phase is preparation for the hearings.
	Meanwhile, HBRC Policy team members continue ongoing discussions with NCC colleagues as NCC prepare Variations for natural hazards and indigenous biodiversity matters in the proposed district plan.
Important Dates	Hearing dates are not yet set by NCC.
Further Information	https://www.napier.govt.nz/our-council/plans-strategies-reports/napiers-district-plan/proposed- district-plan/
HBRC Lead	Senior Policy Planner – Dale Meredith



Name	Resource consent application for 59-lot residential development at 68 Franklin Road, Bay View, Napier
Proposal Type	Notified resource consent application
Owner / Lead	Napier City Council (NCC). Applicant is Jack Brownlie Investments Limited.
Summary	Napier City Council has received an application from Jack Brownlie Investments Ltd for a resource consent to undertake a staged subdivision to create 59 rural-residential lots ranging in size from 800m ² to 1,398m ² , an open space lot, two pedestrian entrance strips, road, infrastructure, acoustic fencing, landscape planting and undertake earthworks of approximately 12,977m ³ in the Main Rural Zone under the Operative Napier District Plan. NCC has determined that the application be publicly notified in accordance with the RMA.
Update	HBRC Policy & Regulatory team members reviewing application documentation for any key issues that might warrant prioritising effort and lodging a submission.
Potential Impacts for HBRC	Application proposes wastewater to be collected and removed via NCC reticulated network – no on-site discharges. Coastal erosion and storm surge inundation risks are well canvassed in application plus independent review commissioned by NCC.
Actions arising	Review of application documentation currently in progress. No commitment made to lodge a submission at time of writing.
Important Dates	28 August 2024 – deadline for public submissions on notified resource consent application.
Further Information	NCC Notified Resource Consent Applications
HBRC Lead	Principal Advisor Strategic Planning - Gavin Ide



Name	Application for Water Conservation Order – Ngaruroro and Clive Rivers
Proposal Type	Water Conservation Order (WCO)
Owner / Lead	Applicants for WCO are jointly: New Zealand Fish and Game Council, Hawke's Bay Fish and Game Council, Ngati Hori Ki Kohupatiki, Royal Forest and Bird Protection Society of NZ, Whitewater NZ.
Summary	In 2017 six parties lodged an application for a water conservation order for the Ngaruroro and Clive rivers with the Minister for the Environment seeking protection of the entire length of the Ngaruroro River including the tributaries and hydraulically connected groundwater and the 7 km long Te Awa o Mokotûāraro (formerly known as the Clive River).
	In 2019 the Special Tribunal for the Water Conservation Order application recommended that the WCO be granted for the upper part of the Ngaruroro River and declined for the lower part of the Ngaruroro River (including Clive River).
	In 2022 the Environment Court recommended a WCO be granted for both the upper and lower Ngaruroro River (excluding Clive River) and issued a draft WCO.
Update	July 2024 – There is one unresolved issue regarding the definition of damming in the lower part of the Ngaruroro River in the draft order. A mediation agreement between both Forest & Bird and HBRC on the definition of damming is currently close to being finalised without further formal Court proceedings.
Potential Impacts for HBRC	If/when the WCO comes into legal effect, RMA regional planning documents will need to incorporate the WCO to the extent relevant as required by the RMA.
	NB: After conclusion of all court proceedings, the application will be referred back to the Minister for the Environment who will consider whether or not to make an order for the WCO (i.e. conclusion of court proceedings is not the final step before a WCO comes into legal effect).
Actions arising	No action currently required.
Important Dates	19 Aug 2024 – report back to Court on joint-party resolution, including agreements on damming definition matters.
Further Information	https://www.epa.govt.nz/public-consultations/decided/water-conservation-order-ngaruroro-and- clive-rivers/
HBRC Lead	Intermediate Policy Planner – Saul Gudsell



Name	Proposed Plan Change 6 (PC6)
	 Category 3 Lifestyle subdivision provisions for displaced owners
Proposal Type	Proposed Plan Change under RMA
Owner / Lead	Hasting District Council
Summary	This is a change to Hastings District Plan proposing amendments to specific parts of the district plan to enable an easier pathway through the subdivision process for the creation of lifestyle sites within the Rural and Rural Residential Zones. PC6 will directly assist Category 3 landowners who have reached a voluntary buy-out agreement to achieve permanent replacement housing with allowing them to remain in the community from which they have been displaced.
	PC6 is to be processed through the Streamlined Planning Process as per the Severe Weather Emergency Recovery (Resource Management – Streamlined Planning Process) Order 2023.
	HBRC had lodged a <u>submission</u> in March 2024 generally supporting PC6's proposals.
Update	HDC held a hearing on 5 th June 2024. Decisions are yet to be issued.
Potential Impacts for HBRC	No known direct impacts, pending final decisions by Hastings District Council.
Actions arising	No action by HBRC currently required.
Important Dates	No known upcoming important dates, but HDC aims to complete PC6 by late 2024.
Further Information	Hastings District Council – proposed Plan Change 6
HBRC Lead	Principal Advisor Strategic Planning - Gavin Ide



Name	COVID-19 Fast Track Consent Applications
Proposal Type	Resource consent
Owner / Lead	Environmental Protection Authority (EPA), Various applicants
Summary	In December 2023, Trustees of the RW and MC Gale Family Trust applied to the EPA for resource consents to establish and operate a quarry in Maraekakaho and remediate the land after quarrying ends. Earlier on 6 th March 2024, another Expert Consenting Panel had granted consents for the ' <u>Wairatahi Project</u> ' for a mix of residential housing on the fringes of Flaxmere.
Update	On 5 th August 2024, an Expert Consenting Panel granted resource consents, subject to conditions, for the Maraekakaho Quarry application. The Panel's <u>decision</u> can be viewed online at the EPA's website. A week prior, HBRC had provided feedback on the Panel's [then] draft conditions.
Potential Impacts for HBRC	With consents having been granted by the Expert Consenting Panel, HBRC will have an ongoing compliance monitoring role to ensure conditions of consent falling within HBRC's functions are complied with. Hastings District Council will have similar respective role in terms of the land use consents granted by the Expert Consenting Panel.
Actions arising	No action from HBRC currently required. No point of law appeal filed by HBRC.
Important Date	27 Aug 2024 - Deadline for appeals on 'points of law' to be filed with High Court by any relevant party against Expert Consenting Panel's decision.
Further Information	Environmental Protection Authority – Maraekakaho Quarry project application
HBRC Lead	Principal Advisor Strategic Planning - Gavin Ide



Name	Marine and Coastal Area (Takutai Moana) Act 2011 (MACAA)
Proposal Type	MACAA applications Customary Marine Title (CMT)
Owner / Lead	High Court; various applicants.
Summary	Hawke's Bay has numerous overlapping applications for CMT that are in progress and have been heard or are being heard in blocks:
	 Ngăti Pâhauwera Development Trust, Maungaharuru Tangitů Trust, Ngãi Tâhů O Mohaka Waikare, Ngăti Parau Hapů (Waiohiki Marae Board of Trustees) have completed Stage 2 Hearings 23/05/2022. These applications are now in a procedural stage to align draft CMT orders and maps to the judgement. There is a wait on the Surveyor-General to provide final guidelines for maps. Rongomaiwahine lwi Trust and Ngãi Tamanuhiri lwi are pursuing application through direct Crown engagement. Rongomaiwahine lwi trust is engaging with overlapping applications in both High Court and Crown pathways. Ngãti Kurupakiaka and Te Ruahina Marae and Hapu have overlapping claims. Engagement together has occurred. No hearing yet set. Group M (Ngãi Tûmapûhia-a-Rangi Hapû) have overlapping jurisdiction into Hawke's Bay from Wairarapa. Stage 1A Hearing completed 4/09/2023. Stage 1B Hearing completed 19/02/2024.
Update	Group M Stage 1B Hearing completed 19/02/2024, decision paper is pending. HBRC participation is limited to comment on draft orders, this process is expected to take place in late 2024.
	Group M wähi tapu evidence hearings are scheduled for 17 February 2025 with expected closing on submissions 28-29 April 2025. Stage 2(b) hearing (to finalise Stage 1(b) and wähi tapu submissions) is set for 18-20 August 2025.
	Court of Appeal in re Edwards shifted the burden of proof for substantial interruption (s.58(1) MACAA) from the Applicant Group to the Attorney-General and third-party submitters. This may require Council to provide evidence of their use in future hearings.
Potential Impacts for HBRC	CMT provides for rights in relation to the RMA and NZCPS, notably permission rights in relation to consents and permits, and the right to create planning documents (which if lodged with HBRC, will need to be taken into account in planning documents).
Actions arising	No action from HBRC currently required.
Important Dates	17 Feb 2025 - Group M Wähi tapu hearing. 18-20 August 2025 - Group M Stage 2(b) hearing.
Further Information	Judgement of Churchman Re Ngati Pahauwera Judgement of Gwynn Group Re Ngai Tumapuhia a Rangi
HBRC Lead	Policy Planner – Shelley King

