



HAWKES BAY REGIONAL COUNCIL

TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Meeting of the Regional Planning Committee

Date: 17 May 2023
Time: 1.00pm
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Agenda

Item	Title	Page
1.	Welcome/ Karakia/ Apologies	
2.	Welcome Michelle McIlroy and farewell Api Tapine Welcome Mana Hazel and farewell Karauna Browns	
3.	Conflict of Interest Declaration	
Decision Items		
4.	Regional Planning Committee tangata whenua representation on Council's committees	3
5.	Freshwater Management Units	15
Information or Performance Monitoring		
6.	Cyclone Gabrielle – response, recovery and reviews	21
7.	May 2023 Policy Projects update	23
8.	Kotahi Plan verbal update	
9.	May 2023 Statutory Advocacy update	27

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
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

18
17
16
15
14

Number required for 80% support

14
14
13
12
11

Subject: Regional Planning Committee tangata whenua representation on Council's committees

Reason for Report

1. This item provides the means for the Regional Planning Committee (RPC) to nominate appointed Post Settlement Governance Entity (PSGE) members for appointment to Council's standing and joint committees to represent tangata whenua views on the issues considered by those committees.
2. This item also provides the means for formalising the appointments of Tania Hopmans as Co-chair and Keri Ropiha as Deputy Co-chair of the Regional Planning Committee.

Executive Summary

3. The Regional Council has invited the RPC to nominate PSGE appointed members as members of:
 - 3.1. the Cyclone Recovery Committee (up to 2)
 - 3.2. the Corporate and Strategic Committee (Keri Ropiha)
 - 3.3. the Climate Action Joint Committee (up to 2 and 1 alternate) established by the five Hawke's Bay councils.
4. Statute does not allow for the provision of a voting appointment to the Regional Council; however a representative, usually the RPC's PSGE appointed co-chair, with full speaking rights is normally appointed to attend Council meetings. This appointment could extend to include the Deputy Co-chair attendance when the Co-chair is unable to attend.
5. The Terms of Reference for the above committees are attached to aid members in considering whether they wish to express interest in representing the PSGE appointed members of Committee on a particular committee.

Financial and Resource Implications

6. The remuneration for tangata whenua representatives' attendance at meetings other than the Regional Planning Committee is currently \$452 per meeting plus associated travel costs, paid upon submission of a Travel Claim form.
7. This is considered to be fair and reasonable and is the same remuneration paid to Māori Committee representatives performing the same roles. This per meeting remuneration is in addition to the remuneration paid for the role of tangata whenua Regional Planning Committee member, currently \$13,750 per annum.
8. This remuneration is within the budgets provided in the Māori Partnerships cost centre.

Decision Making Process

9. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
 - 9.1. The decision does not significantly alter the service provision or affect a strategic asset.
 - 9.2. The use of the special consultative procedure is not prescribed by legislation.

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

Recommendations

That Hawke's Bay Regional Council:

1. Receives and considers the *Regional Planning Committee Tangata Whenua representation on Council's committees* staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community.
3. Nominates the following representatives for appointment:
 - 3.1. Keri Ropiha as a member of the Corporate and Strategic Committee
 - 3.2. Tania Hopmans and Keri Ropiha as members of the Cyclone Recovery Committee
 - 3.3. _____ and _____ as members of the Climate Action Joint Committee, and _____ as alternate.
4. The Regional Planning Committee recommends that Hawke's Bay Regional Council confirms:
 - 4.1. The appointment of Tania Hopmans to the role of Regional Planning Committee Co-chair.
 - 4.2. The appointment of Keri Ropiha to the role of Regional Planning Committee Deputy Co-chair
 - 4.3. The appointments to the Corporate and Strategic and Cyclone Recovery committees and the Climate Action Joint Committee as detailed in 3. above.
 - 4.4. The appointment of the Regional Planning Committee Co-chair, Tania Hopmans, to the Regional Council with full speaking rights.




Authored by:

Leeanne Hooper
Team Leader Governance

Approved by:

Pieri Munro
Te Pou Whakarae

Attachment/s

- 1  Corporate and Strategic Committee Terms of Reference
- 2  Cyclone Recovery Committee Terms of Reference
- 3  Climate Action Joint Committee Terms of Reference

Corporate and Strategic Committee

Terms of Reference



Adopted by resolution of Hawke's Bay Regional Council on **26 April 2023**

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

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



Cyclone Recovery Committee

Terms of Reference

Adopted by resolution of Hawke's Bay Regional Council on 29 March 2023

1. The purpose of the Cyclone Recovery Committee is to coordinate and direct the Hawke's Bay Regional Council's (HBRC) recovery initiatives in support of environmental and community recovery from Cyclone Gabrielle, which resulted in a national state of emergency declared on 14 February 2023, and related matters.
2. Recovery actions will necessarily happen at pace requiring agile and joined-up decision-making. This Committee fits within a broader recovery context which includes the Hawke's Bay Regional Recovery Agency. The HBRC's Cyclone Recovery Committee will focus on recovery tasks related to the environment resilience, primary sector, and resilient infrastructure pou (proposed HB Cyclone Gabrielle Recovery wiring diagram to be attached once finalised).
3. The Civil Defence Emergency Management Act 2002 (the CDEM Act) defines recovery as: *"the coordinated efforts and processes used to bring about the immediate, medium and long-term holistic regeneration and enhancement of a community following an emergency."* Recovery is more than simply building back infrastructure; it is a managed, comprehensive and participatory process inclusive of all people and organisations, that also supports restoring the social, economic, natural and cultural fabric of affected communities.
4. The Cyclone Recovery Committee will also cover the business-as-usual functions, previously considered by the Environment and Integrated Catchments Committee.

Cyclone Gabrielle Recovery responsibilities

5. The primary role of the Cyclone Recovery Committee is to develop and oversee implementation of a Regional Resilience Plan, including providing opportunities to determine and express community voice. This Plan will focus on land-use planning, hazard management, risk, and flood protection and will inform locality plans of other entities.
6. The Cyclone Recovery Committee will also be responsible for considering and making recommendations to HBRC on work programmes such as, but not limited to, the rapid rebuild of stop banks, scheme reviews and protection levels, land use planning, nature-based solutions for water management and biodiversity, rural recovery including an enhanced Erosion Control Scheme and changes to the Land for Life programme, and improvements to the hydrometric network.

Business as usual responsibilities

The Cyclone Recovery Committee will consider and make recommendations to Council on:

7. Policy

- 7.1. Policies with regard to Council responsibilities and involvement in flood protection and drainage
- 7.2. Policies with regard to Council's responsibilities for biosecurity, biodiversity and pest management
- 7.3. Policies, strategies, and by-laws and compliance and enforcement programmes relating to maritime and navigational safety under the Maritime Transport Act.

8. Environmental Monitoring and Research

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

9. Implementation

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

10. Financial Authority

- 10.1. Consideration of possible financial implications of specific initiatives.

11. Use of Delegated Powers for the Environment & Integrated Catchments Committee

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

Members:	<ul style="list-style-type: none"> • All Councillors being: Hinewai Ormsby, Will Foley, Neil Kirton, Charles Lambert, Jerf van Beek, Martin Williams, Sophie Siers, Di Roadley, Thompson Hokianga, Jock Mackintosh, Xan Harding. • Up to two appointed members of the Māori Committee, TBC • Up to two appointed members of the Regional Planning Committee, TBC
Chair:	A member of the Committee as elected by the Council being: Sophie Siers
Deputy Chair:	A member of the Committee as elected by the Council being: Di Roadley
Meeting Frequency:	6-weekly (or as required)
Staff Executive:	HBRC Recovery Manager Group Manager Integrated Catchment Management Group Manager Asset Management Group Manager Policy & Regulation

Terms of Reference for the Climate Action Joint Committee

As adopted by resolution of:

Hawke's Bay Regional Council, 25 January 2023
Hastings District Council, 2 March 2023
Napier City Council, 16 March 2023
Central Hawke's Bay District Council, 23 March 2023
Wairoa District Council, ... 2023

1. Name and status of Joint Committee

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

2. Purpose

- 2.1. Climate mitigation and adaptation is core business for councils. It spans multiple council workstreams such as urban planning, land-use and resource management, transport, flood protection, coastal hazards and emergency management. Without duplicating effort, the purpose of the Joint Committee is to support a coordinated and collaborative response to address the complex challenge of Climate-Resilient Development¹ for the communities of Hawke's Bay.
- 2.2. The focus of the Joint Committee will be promoting action to mitigate climate change (emissions reductions and offsetting) and adapt to the changing regional climate.
- 2.3. The Joint Committee aims to support resilient communities and industries to become resilient to the effects of climate change and to thrive within boundaries of our natural environment.

3. Objectives

- 3.1. Oversee and guide the development and implementation of a Regional Emissions Reduction Plan including recommending actions for partner councils to consider for inclusion in their Long Term Plans.
- 3.2. Oversee and guide the development and implementation of a spatial Regional Climate Risk Assessment to deliver on responsibilities under the National Adaptation Plan to:
 - 3.2.1. Reduce vulnerability to the impacts of climate change
 - 3.2.2. Enhance adaptive capacity and consider climate change in decisions at all levels
- 3.3. Strengthen resilience

¹ Climate Resilient Development is a framework developed in the Intergovernmental Panel on Climate Change 6th report – Impacts, Adaptation and Vulnerability. It combines strategies to adapt to climate change with actions to reduce greenhouse gas emissions to support sustainable development for everyone ([FAQ 6: What is Climate Resilient Development? ipcc.ch](https://www.ipcc.ch/faq6/))

- 3.4. Support compliance with the statutory requirement to “have regard to” the National Emissions Reduction Plan and the National Adaptation Plan in all RMA-related plans of partner councils².
- 3.5. Inform planning to drive climate-resilient development in the right locations within the Future Development Strategy required under the National Policy Statement on Urban Development, and the Regional Spatial Strategy and regional combined plan proposed under the Spatial Planning and Natural and Built Environments legislation.
- 3.6. Collaborate on the delivery key services for infrastructure impacted by climate change on respective councils.

4. Membership³

- 4.1. Up to two elected members from the Hawke’s Bay Regional Council; being the Chair and one other elected member, and one alternate.
- 4.2. Up to two elected members from each Territorial Authority within the Hawke’s Bay region; preferably the Mayor and one other elected member, and one alternate.
- 4.3. Up to two members and one alternate appointed to represent the Post [Treaty] Settlement Governance Entity (PSGE) representatives on the HBRC Regional Planning Committee⁴.
- 4.4. Up to two members and one alternate appointed to represent the Ngāti Kahungunu Taiwhenua and Board representatives on the HBRC Māori Committee⁵.
- 4.5. Under clause 30A(6) Schedule 7 of the Act, the power to discharge any member on the Joint Committee and appoint his or her replacement shall be exercisable only by the body that appointed the member.

5. Chairperson and Deputy Chairperson

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

6. Delegated authority

The Joint Committee has delegated responsibilities for:

- 6.1. Guiding and monitoring climate mitigation and adaptation across the region with current and relevant technical inputs.
- 6.2. Leading regional emissions reduction plans including recommending actions for consideration to partner councils to include in their long term plans
- 6.3. Leading spatial regional climate risk assessments to deliver on responsibilities under the National Adaptation Plan

² From 30 November 2022 it is a legal requirement for local government to ‘have regard to’ the national adaptation plan and the emissions reduction plan when preparing or changing regional policy statements, regional plans and district plans. (Guidance note environment.govt.nz)

³ Membership will be reviewed at the end of the three-yearly cycle.

⁴ HBRC Regional Planning Committee is a co-governance committee composed of an equal number of elected councillors and appointees from each of the Post Settlement Governance Entities (PSGEs) within the HB Region.

⁵ HBRC Māori Committee has 13 tangata whenua representatives, 3 from each of the Taiwhenua (and Wairoa Kahungunu Executive) within the Hawke’s Bay regional boundary and 1 from the Ngāti Kahungunu Iwi Inc Board.

- 6.4. Setting targets, including interim goals, towards achieving carbon neutrality by 2050
- 6.5. Monitoring regional greenhouse gas emissions (community carbon footprint) on a regular basis and reporting annually on implementation of regional emissions reduction plans
- 6.6. Considering and recommending key emissions reduction actions to each of the partner councils and industry for consideration
- 6.7. Advocating for and/or advancing the objectives of regional climate action by submitting on and participating in processes, at the Joint Committee's discretion, including but not limited to:
 - 6.7.1. Council long term plans
 - 6.7.2. Council annual plans
 - 6.7.3. District and regional plan and policy changes
 - 6.7.4. Reserve management plans
 - 6.7.5. Asset management plans
 - 6.7.6. Notified resource consent applications
 - 6.7.7. Central Government policy and legislation
 - 6.7.8. Investigating and securing additional sources of funding to support regional decarbonisation, offsetting and protecting communities from the impact of climate change.
- 6.8. For the avoidance of doubt, the Joint Committee can only make recommendations to partner councils. Without legally binding subsequent council decisions, the partner councils agree to:
 - 6.8.1. Have particular regard to the recommendations of the Joint Committee in developing policies, determining priorities, and allocating resource;
 - 6.8.2. Progress, to the fullest possible extent, actions identified through joint planning and decision-making arrangements.

7. Powers not delegated

The following powers are not delegated to the Joint Committee:

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

8. Meetings

- 8.1. The Hawke's Bay Regional Council standing orders will be used to conduct Joint Committee meetings as if the Joint Committee were a local authority and the principal administrative officer (Chief Executive) of the Hawke's Bay Regional Council or his or her nominated representative were its principal administrative officer.
- 8.2. The Joint Committee shall hold meetings at such frequency, times and place(s) as required for the performance of the functions, duties and powers delegated under this Terms of Reference, at least three times per year.
- 8.3. Notice of meetings will be given as far in advance as possible to all Joint Committee members, and in accordance with the provisions of the Local Government Official Information and Meetings Act 1987.
- 8.4. Meetings may provide for members' attendance by audio-visual link if required.

- 8.5. Members, or their confirmed alternates, will attend all Joint Committee meetings.
- 8.6. The quorum will consist of a majority of members.

9. Voting

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

10. Good faith

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

11. Remuneration

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

12. Technical Advisory Group and Reporting

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

13. Variations to the Terms of Reference

- 13.1. Any member may propose a variation, deletion or addition to the Terms of Reference by putting the wording of the proposed variation, deletion or addition to a meeting of the Joint Committee for recommending to the partner councils if agreed.

- 13.2. Amendments to the Terms of Reference must be agreed by all partner councils before taking effect.

14. Recommended for Adoption

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

Hawke's Bay Regional Council represented by:

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

Councillor Hinewai Ormsby as Chairperson of the Climate Action Joint Committee

Appointed by HBRC resolution on 25 January 2023.

Hastings District Council represented by:

Councillors Sandra Hazlehurst and Ann Redstone, and Tania Kerr as alternate.

Appointed by HDC resolution on 2 March 2023.

Napier City Council represented by:

Councillors Annette Brosnan and Hayley Browne, and Chad Tareha as alternate.

Appointed by NCC resolution on 16 March 2023.

Central Hawke's Bay District Council represented by:

Councillors Alex Walker and Tim Aitken, and Jerry Greer as alternate.

Appointed by CHBDC resolution on 23 March 2023.

Wairoa District Council represented by:

Councillors _____ and _____, and _____ as alternate.

Appointed by WDC resolution on _____ 2023

HBRC Māori Committee representatives Paul Kelly and ____ (tbc) ____, and Marei Apatu as alternate.

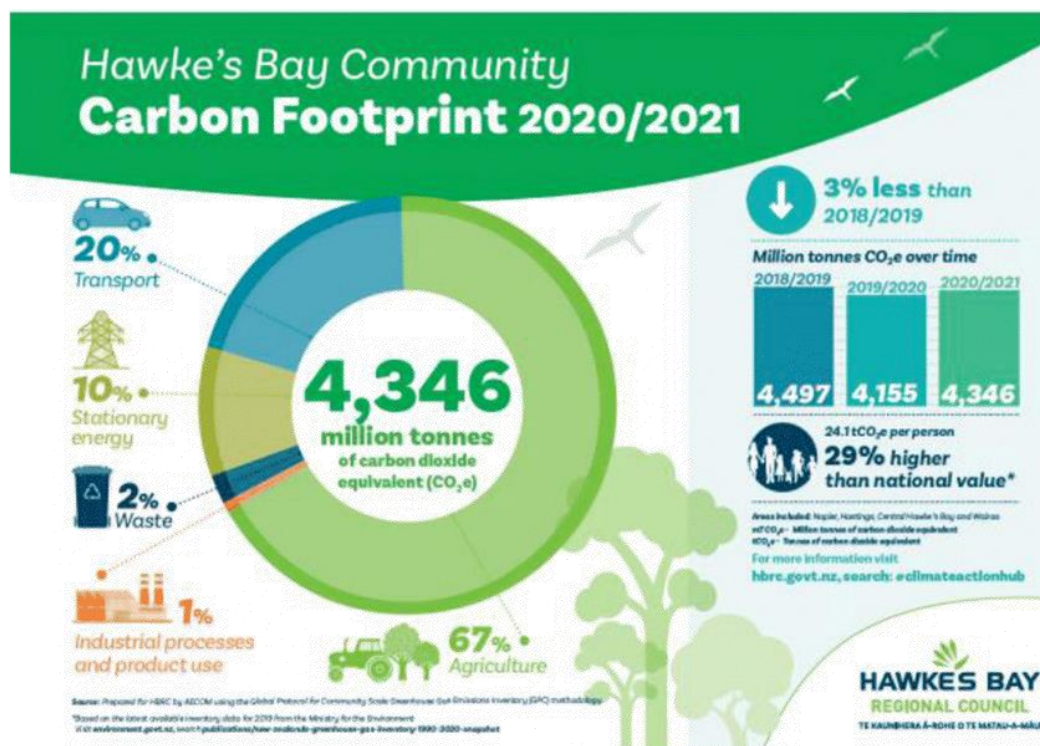
Appointed by Māori Committee resolution on 8 February 2023.

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

Appointed by RPC resolution on _____ 2023.

Appendix A – Project Background

1. The Regional Council declared a climate emergency for the Hawke's Bay region on 26 June 2019. The declaration recognises that the climate crisis is an urgent and pervasive threat to human and ecological wellbeing and that we have a small window of time to act to avoid the most damaging effects of the climate crisis in the longer term. This climate crisis declaration was one of many declaration from councils across the country, with the Government declaring a climate emergency on 2 December 2020.
2. In 2022 HBRC, HDC, and NCC each invested in dedicated strategic climate change roles, an acknowledgement of the important leadership role councils can, and should, play in regional climate action.
3. There is a general acknowledgement that the transition to a low emissions future cannot be achieved by individual councils working in isolation and a regional approach is needed.
4. In 2022 the Ministry for Environment released Aotearoa's first Emissions Reduction Plan. A significant number of the actions in that plan involve Local Government.
5. In September 2022 the first Hawke's Bay Community Carbon Footprint was released, measuring greenhouse gas emissions from 2018/19 to 2020/21. Separate footprints were created for each Territorial Authority. The whole of region footprint established that our regional emissions for 2020/21 were made up of:
 - 5.1. Agriculture 67%
 - 5.2. Transportation 20%
 - 5.3. Stationary Energy 10%
 - 5.4. Waste 2%
 - 5.5. IPPU 1% (Industrial Processes and Product Use)



6. The next step for is to create a Regional Emissions Reduction Plan, with input from all Hawke's Bay councils, as well as significant engagement across expert, business, and community spheres.

Subject: Freshwater Management Units

Reason for Report

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

Officers' Recommendations

2. Staff recommend that the Committee considers the information provided and adopts the FMUs as included in this paper as endorsed by the Māori Committee in their February meeting.

Executive Summary

3. This paper reflects the korero around this kaupapa through the All Governors Forum and the related community engagement, and outlines Freshwater Management Units (FMUs) for the region. FMUs are the primary scale for reporting the associated freshwater accounting to central government and implementing the National Objectives Framework (NOF) as required by the National Policy Statement for Freshwater Management 2020 (NPS-FM2020).
4. Regional councils must develop long-term visions for freshwater in their regions and include these as objectives in the Regional Policy Statement. Visions must be set for each FMU, part FMU or catchment level.
5. Although the genesis of the FMU decision lies with the Kotahi project, this decision continues to need to be made under the NPSFM before any associated work can be undertaken. It is also sought in relation to the recovery work that needs to be undertaken.
6. This paper is largely replicated from the paper presented to the Māori Committee on 8 February this year, with updates due to Cyclone Gabrielle.

Background /Discussion

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

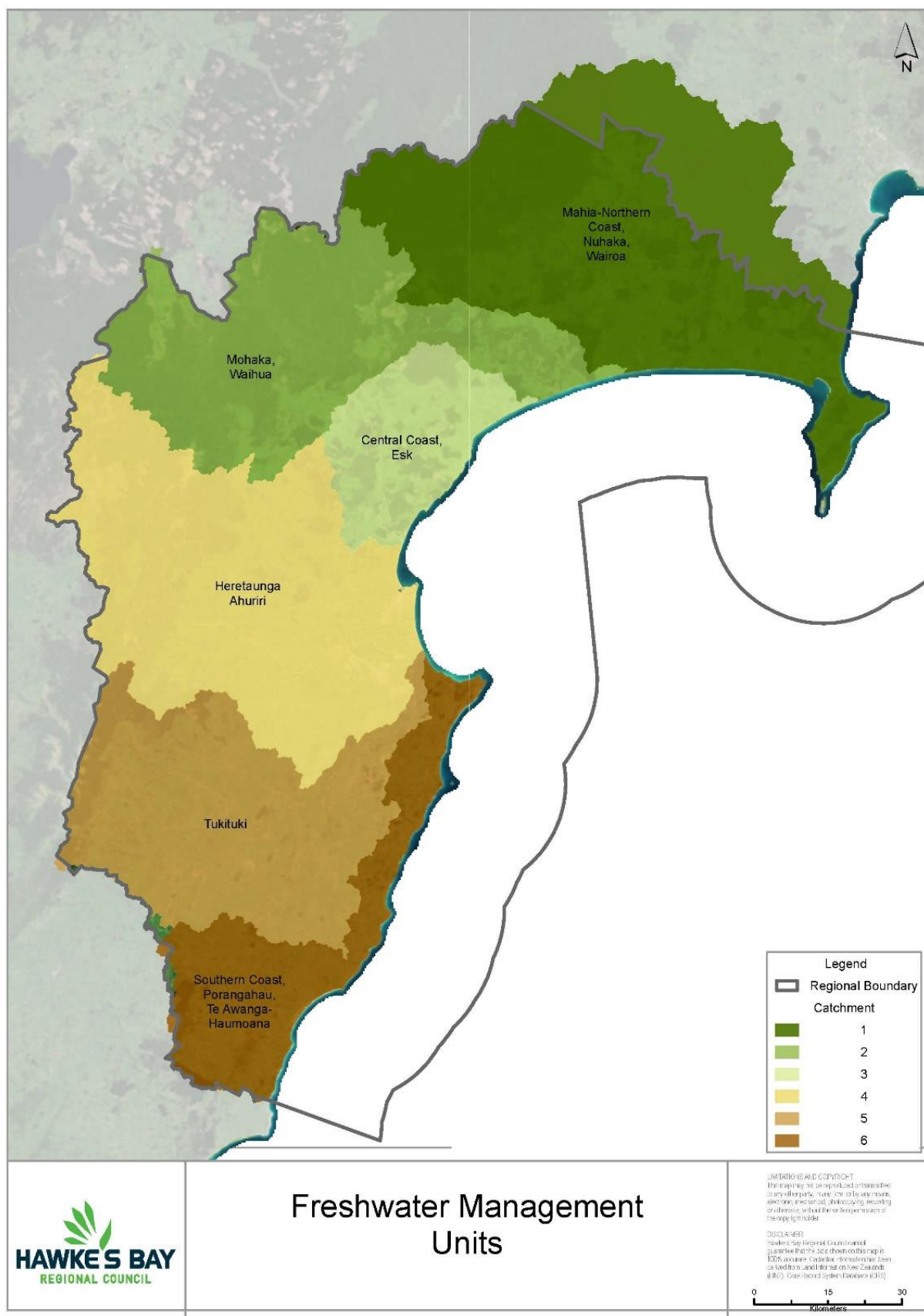
which are less than healthy. These sentiments have been expressed strongly through our engagement to date with All Governors, tangata whenua and the wider community, through their values over the past 18 months.

10. Further to this, feedback received through the All-Governors workshops and operational meetings with tangata whenua is that there is substantial identification of values through existing processes such as Treaty Settlements, OWB hearings, Iwi/Hapū Management Plans, Takutai Moana evidence and affidavits, etc. Staff have progressed an inventory of documented cultural values for each catchment, recognising that this does not form a full and complete assessment.
11. This paper was taken to Māori Committee on 8 February 2023 where the committee endorsed the FMUs as outlined below and recommended that Regional Planning Committee adopt them.
12. As at the time of writing there has been no direction provided by central government regarding HBRC's obligation to give effect to the NPSFM in the wake of Cyclone Gabrielle. Despite any hypothetical relaxing of deadlines FMUs will still need to be defined before any planning work can proceed.
13. It should be noted that other teams within council have recently been seeking clarification around FMUs for the design of recovery programs and associated engagement.

Discussion

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

23. The following image outlines the recommended FMUs.



Options Assessment

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

Financial and Resource Implications

25. There are financial and resource implications in relation to the creation of FMUs. Approximate costs for the establishment of a FMU monitoring site is \$150,000 per FMU with ongoing costs of \$50,000 per site on the basis of a simple site with a small number of attributes (no more than two) to monitor monthly. The costs for sites will increase as more attributes are added and if higher sampling frequencies are required to assess compliance with targets/limits. Existing State of the Environment monitoring sites will be used to form part of the monitoring for each FMU, additional sites may be needed, again depending on the attribute and the policy requirements. Note that sites generally cannot be started and stopped randomly and that the value of our current data sets comes from the stable long-term nature of the data. If sites are moved then costs increase further as we have to monitor both sites (the old and the new) for a period of time so that we understand the relationships between them and can therefore use the older data sets.
26. Additional monitoring sites are not currently provided for in monitoring budgets and will need to be budgeted for in the 2024-2034 Long Term Plan.
27. There are also resourcing implications in regard to staffing should the number of FMUs increase significantly from the recommendation included in this proposal. The current network is matched to the available staff resource. As the network expands, we would need to recruit Resource Technicians to runs the sites and collect the data, Resource Analysts to review, quality code/quality assure the data and then store it, and Scientists to turn the data into information via reporting.
28. Should the number of FMUs increase beyond what is proposed, this would also require additional Policy, Communications and Engagement, and Māori Partnerships staff to undertake engagement to develop the FMU chapters for Kotahi, as required by the NPS-FM 2020.

Decision Making Process

29. 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:
 - 29.1. This decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
 - 29.2. The use of the special consultative procedure is not prescribed by legislation.
 - 29.3. This decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy however will be subject to public consultation as part of the Kotahi Plan process.

Recommendations

That the Regional Planning Committee:

1. Receives and considers the *Freshwater Management Units* staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that the Regional Planning Committee can exercise its discretion and make decisions on this issue without conferring directly with the community which will have the opportunity to engage with the Regional Council through the Kotahi Plan process.

3. Recommends that Hawke's Bay Regional Council adopts the six FMUs for the region as detailed in this report.

Authored by:

Nichola Nicholson
Team Leader Policy & Planning

Approved by:

Ceri Edmonds
Manager Policy & Planning

Attachment/s

There are no attachments for this report.

17 May 2023

Subject: Cyclone Gabrielle – response, recovery and reviews

Reason for Report

1. This paper provides a brief outline of the verbal update that will be given to the Māori Committee around the work currently being undertaken in the aftermath of Cyclone Gabrielle.
2. Executive Leadership Team - Scene-setting presentation on the event, its impacts on HBRC infrastructure, rural recovery and reviews.
3. Louise McPhail – HBRC Recovery Manager will present the Hawke's Bay Recovery Framework.
4. Gavin Ide – Principal Advisor Strategic Planning will provide an update on the new Severe Weather Emergency Legislation Act (SWELA) and the Severe Weather Emergency Recovery Legislation Act (SWERLA) which came into force in March and April respectively.
5. Ceri Edmonds – Manager Policy and Planning will outline the work currently being undertaken on proposed mana whenua and community engagement for recovery purposes.
6. The intent of the update is to provide an understanding of the work currently being undertaken by the Regional Council and give an opportunity for any related questions to be raised.

Recommendation

That the Regional Planning Committee receives and notes the *Cyclone Gabrielle – response, recovery and reviews* staff report.

Authored by:

Ceri Edmonds
Manager Policy & Planning

Louise McPhail
HBRC Recovery Manager

Approved by:

Desiree Cull
Executive Officer to CE

Attachment/s

There are no attachments for this report.

17 May 2023

Subject: May 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 *May 2023 Policy Projects update* staff report.

Authored by:

Mary-Anne Baker
Team Leader Policy & Planning

Approved by:

Ceri Edmonds
Manager Policy & Planning

Attachment/s

- 1   May 2023 RMA projects update

Status Report on HBRC Resource Management Plan Change Preparation & Review Projects (at 2 May 2023)

Updates are in green underlined text

Project	Narrative update	Next intended reporting to RPC
'PC7' Outstanding waterbodies plan change	<ol style="list-style-type: none"> Publicly notified on 31 August 2019. 41 submissions were received and 19 further submissions. Decisions on submissions were issued on 26 June 2021. A full copy of the decision can be viewed online: https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/Decision-of-the-Independent-Hearing-Panel-PC7.pdf The following parties have lodged appeals with the Environment Court: <ol style="list-style-type: none"> The Māori Trustee Royal Forest and Bird Protection Society of New Zealand Incorporated Te Taiwhenua o Heretaunga, Te Runanganui o Heretaunga, Te Manaaki Taiao o Heretaunga and Ngāti Kahungunu Iwi Incorporated. A copy of each of these appeals can be viewed at https://www.hbrc.govt.nz/hawkes-bay/projects/outstanding-water-bodies/ <u>Parties have asked the Environment Court to set a hearing date in late 2023 for those appeal matters where agreements could not be achieved.</u> <u>A revised evidence exchange timetable has been agreed with Hearings now scheduled on or after 20 November 2023</u> 	Updates from staff as and when new information becomes available.
'PC9' Greater Heretaunga/Ahuriri catchment area plan change (aka TANK)	<ol style="list-style-type: none"> The TANK Plan Change was notified on 2 May 2020 A Hearings Panel of commissioners was appointed to hear and decide matters on submissions. The hearings panel consists of Antoine Coffin (Chair), Dr Brent Cowie, Dr Greg Ryder, Dr Roger Maaka, and Rauru Kirikiri. The Panel's decisions were issued on 9th September 2022. Decisions are online¹. Subsequently, seventeen appeals have been filed in the Environment Court. Copies of those appeals are online.² The Environment Court is yet to issue its instructions for next steps for potential Court-assisted mediation sessions involving parties involved in the appeals. <u>HBRC submitted a memo to the Environment Court on 23 January suggesting grouping of appeal points/topics.</u> <u>Parties initially had until 17 February 2023 to file their comments in response. Because of Cyclone Gabrielle, affected parties were given an extension to 10 March to respond.</u> <u>Three memoranda have been filed by parties in response seeking an alternative topic allocation to that proposed by HBRC. Subsequently an amended topic allocation and order was circulated.</u> <u>The Court has directed that these preliminary matters be discussed in a virtual judicial conference in the week of 8 May 2023</u> 	Updates from staff as and when new information becomes available.

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

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

Project	Narrative update	Next intended reporting to RPC
Implementation of National Policy Statement on Urban Development 2020 (NPS-UD)	<p>16. The three councils are jointly responsible for developing a 'Future Development Strategy' for the Napier-Hastings urban area by 2024. That Strategy would sit outside of the Regional Policy Statement and regional plans (much like the existing Heretaunga Plains Urban Development Strategy).</p> <p>17. 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.</p> <p>18. The FDS Joint Committee had its first meeting on 29th April 2023. This meeting was largely an FDS induction for members.</p>	Updates from staff as and when new information becomes available.
Ngaruroro and Clive Rivers Water Conservation Order	<p>19. For more information, see https://www.epa.govt.nz/public-consultations/decided/water-conservation-order-ngaruroro-and-clive-rivers/</p> <p>20. Refer for update in this agenda in Statutory Advocacy item</p>	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	<p>21. Work on the Kotahi project (review of RPS, RRMP and RCEP) has been paused</p> <p>22. The planning team has been responding to needs for Cyclone recovery including:</p> <ol style="list-style-type: none"> Assisting in the preparation of the first version of the Councils Recovery Resilience Plan Assisting in a range of response and recovery functions and projects Providing advice in relation to emergency response actions Spatial planning analysis to assist with recovery planning Providing advice and input into the preparation of national emergency response legislation (see also update in statutory advocacy for more details) 	

17 May 2023

Subject: May 2023 Statutory Advocacy update

Reason for Report

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

Decision Making Process

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

Recommendation

That the Regional Planning Committee receives and notes the *May 2023 Statutory Advocacy update* staff report.

Authored by:

Gavin Ide
Principal Advisor Strategic Planning

Nichola Nicholson
Team Leader Policy & Planning

Approved by:

Ceri Edmonds
Manager Policy & Planning

Attachment/s

1  May 2023 Statutory advocacy update

Statutory Advocacy Update (as at 2 May 2023)

Note: updates since reporting for previous Regional Planning Committee meeting (27 January 2023) are provided in green underlined text.

Table 1: National Proposals

Received	Proposal	Agency	Status	Current Situation
15 Nov 2022	<p>Reforming the Resource Management System</p> <p>The Government plans to repeal the Resource Management Act 1991 (RMA) and replace it with three new pieces of legislation.</p> <p>The reform is based on the findings of the comprehensive review of the resource management system which were released last year (see to earlier proposal below).</p> <p>https://environment.govt.nz/publications/our-future-resource-management-system-overview</p>	Ministry for the Environment (lead) in association with various other Ministries	<u>Select Committee has completed hearings and due to report back 6 June 2023.</u>	<p>The Government's comprehensive reform of the resource management system will repeal the RMA and replace it with three new pieces of legislation:</p> <ul style="list-style-type: none"> the Natural and Built Environment Act (NBA) the Spatial Planning Act (SPA) Climate Adaptation Act (CAA). <p><u>HBRC's submission was lodged on 15 March 2023 after being granted an extension due to impacts of Cyclone Gabrielle. A copy of HBRC's submission can be found at HBRC Submissions</u></p> <p>The Climate Adaptation Bill is intended to be introduced into Parliament later in this term of Government (but not passed during the current term).</p>

Received	Proposal	Agency	Status	Current Situation
20 Dec 2022	<p>Water Services Legislation Bill 2023</p> <p>This omnibus bill is the second bill in a suite of legislation to reform water services delivery in New Zealand. The single broad policy for this bill is to establish and empower water services entities by setting out their functions, powers, obligations, and oversight arrangements.</p>		Submissions closed 17 February 2023.	<ul style="list-style-type: none"> • HBRC did not make a submission on this Bill. • However, Te Uru Kahika (the collective of regional councils and unitary authorities) did make a submission and Katrina Brunton appeared as one of the presenters of that submission to the Select Committee hearing. • The Select Committee's report back to Parliament has been granted an extension until 8th June 2023. • Meanwhile in mid-April, Local Government Minister Kieran McNulty 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."
15 Mar 2023	<p>Severe Weather Emergency Legislation Bill 2023</p> <p>A Bill proposing some immediate amendments to the Local Government Act and Resource Management Act to assist with some specific response and recovery activities in regions severely affected by Cyclone Hale, Cyclone Gabrielle and rainfall events in Jan/Feb. This included amendments to RMA's provisions for emergency works.</p>	Various	Submissions closed 15 March 2023.	<ul style="list-style-type: none"> • HBRC's submission was lodged on 15 March 2023 and presentation made to the Select Committee that same day. A copy of HBRC's submission can be found at HBRC Submissions. • Bill was passed and came into effect from 20th March 2023, now commonly referenced as 'SWELA.'

Received	Proposal	Agency	Status	Current Situation
<u>28 Mar 2023</u>	<p><u>Severe Weather Emergency Recovery Legislation Bill</u></p> <p>A Bill with purpose of streamlining legislative amendments to support response and recovery efforts in regions and districts affected by severe weather events in Jan/Feb 2023, including Cyclone Gabrielle.</p> <p>Key feature is introduction of 'Orders in Council' tool which provides Government with significant powers to amend legislation usually reserved only for Parliament. SWERLA does not introduce any specific Orders per se. These would follow separate procedures as set out in the new SWERLA.</p>	<u>Various</u>	<u>Submissions closed 29 March 2023.</u>	<ul style="list-style-type: none"> • HBRC's submission was lodged on 29 March 2023 and presentation made to the Select Committee the following day. A copy of HBRC's submission can be found at HBRC Submissions. • Bill was passed and came into effect from 13th April 2023, now commonly referenced as 'SWERLA.'
<u>13 Mar 2023</u>	<p><u>Ministerial Inquiry Into Land Use in Tairāwhiti and Wairoa Districts</u></p> <p>A Ministerial Inquiry into land uses associated with the mobilisation of woody debris (including forestry slash) and sediment in Tairāwhiti/Gisborne district and Wairoa District. The Inquiry Panel is Hon Hekia Parata (Chair), Matthew McCloy, and Dave Brash.</p> <p>Link: Panel's Terms of Reference</p>	<u>Minister for the Environment and Minister for Primary Industries</u>	<u>Submissions closed. Panel's report due 12 May.</u>	<ul style="list-style-type: none"> • HBRC's submission was lodged on 6th April 2023. A copy of HBRC's submission can be found at HBRC Submissions • Ministerial Inquiry Panel's report back to Ministers has received an extension. Due date is now 12 May 2023 (was originally 30th April).

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	Hearings Panel has concluded hearings. Panel's recommendations expected by mid-2023.	<ul style="list-style-type: none"> Series of hearings were held during 2022. The panel of Commissioners have adjourned hearings and are currently formulating their recommendations back to CHBDC by mid-2023. Refer to CHBDC's Hearings Portal for more information. HBRC's submission was lodged on 6 August. A copy of HBRC's submission can be found at HBRC Submissions.
					•

Table 3: Other Proposals

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

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

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

Received	Proposal	Agency	Status	Current Situation
Various	Marine and Coastal Area (Takutai Moana) Act 2011	Applicants Ngāti Pāhauwera Development Trust, Maungaharuru Tangitū Trust, Ngai Tāhū O Mohaka Waikare, Ngati Parau Hapu (Waiohiki Marae Board of Trustees)	High Court decision released 22 December 2021, now subject to appeals Stage 2 High Court hearing commenced 23 May 2022 at Napier	<ul style="list-style-type: none"> • The High Court's Stage 2 decision on the Ngāti Pāhauwera application was made on the 19th of January 2023. No final PCR or CMT were granted, instead the decision works through the various issues and creates a process for final draft orders to be submitted for approval. In relation to the issues HBRC raised at hearing the decision was in line with the evidence and submissions submitted. • 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. <p>Previously...</p> <ul style="list-style-type: none"> • High Court commenced a 'Stage 2 hearing' in Napier on 23 May 2022 to consider form of orders. • Notwithstanding commencement of the Stage 2 hearing, several parties have lodged appeals against High Court's decision made in December 2021. • Decision can be found here: https://www.courtsofnz.govt.nz/assets/5-The-Courts/high-court/high-court-lists/marine-and-coastal-area-takutai-moana-act-2011-applications-for-recognition-orders/20211222-Re-Ngati-Pahauwera.pdf

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.	MFE. Various applicants	Various	<ul style="list-style-type: none"> Minister had invited comments from HBRC on several separate applications to use the fast-track consenting processes under COVID19 response legislation. <u>Minister has since decided to:</u> <ul style="list-style-type: none"> <u>APPROVE fast-track process be used for residential development proposal by Heretaunga Tamatea Settlement Trust for site at Stock Road and Dundee Drive, Flaxmere</u> <u>DECLINE use of fast-track consenting processes for:</u> <ul style="list-style-type: none"> <u>Residential development proposal at Whirinaki</u> <u>Residential development proposal at School Road, Clive</u> <u>Residential development proposal at ex-Oderings Nursery site in Havelock North.</u> <u>In April, Minister invited comments from the Regional Council on another fast-track application for a quarrying proposal. However further details cannot be provided here at this time due to confidentiality arrangements with MFE/Minister.</u>