

Meeting of the Regional Planning Committee

Date: 13 March 2024
Time: 1.00pm
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Agenda

Item	Title	Page
1.	Welcome/ Karakia/ Housekeeping/ Apologies	
2.	Conflict of interest declarations	
3.	Chair's Co-governance Statement	
4.	Confirmation of Minutes of the Regional Planning Committee meeting held on 16 August 2023	
5.	Call for minor items not on the Agenda	
Information or Performance Monitoring		
6.	New Government's intentions for Resource Management-related reforms	5
7.	Regional Policy Statement project update	19
8.	February 2024 Policy Projects update	23
9.	February 2024 Statutory Advocacy update	27
10.	Discussion of minor items not on the Agenda	

Parking

There will be named parking spaces for tangata whenua members in the HBRC car park – entry off Vautier Street.

Regional Planning Committee Members

Name	Represents
Tania Hopmans (Co-chair)	Maungaharuru-Tangitu Trust
Tania Eden	Mana Ahuriri Trust
Karauna Brown /Mana Hazel	Te Kopere o te Iwi Hineuru
Laura-Margaret Kele	Tamatea Pōkai Whenua
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
vacant	Tamatea Pōkai Whenua
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: 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

3. That the Regional Planning Committee accepts the following *minor items not on the agenda* for discussion as item 10.

Topic	Raised by

Subject: New Government's intentions for Resource Management-related reforms

Reason for report

1. This report outlines a range of the Government's intentions that relate to resource management policy and planning. This report deliberately does not comment further or speculate on the merits of the Government's intentions.

Background

2. The new Coalition Government is underpinned by coalition party agreements.¹ Shortly after formation, the coalition government unveiled its '[100-day Plan](#)' outlining 49 key actions it intended to be delivered in its first 100 days.
3. Many of the new Government's intentions are outlined in its 100-day plan and coalition agreements. Until fuller proposals are announced, there are limited details available that can be used to inform any potential impacts on HBRC's current and future work programmes.

Discussion

4. The new Government was sworn in on 27 November 2023 and signed coalition agreements were publicly released on 24 November. The following points relating to natural resource management have been drawn from the coalition agreements and the '100-day Plan.'²

Natural resource management

5. Repeal the Natural and Built Environment Act and Spatial Planning Act and introduce a fast-track consenting regime. *
6. Repeal the Natural and Built Environment Act 2023 and Spatial Planning Act 2023 by Christmas. *
7. Amend the Resource Management Act 1991 to:
 - 7.1. Make it easier to consent new infrastructure including renewable energy, allow farmers to farm, get more houses built, and enhance primary sector including fish and aquaculture, forestry, pastoral, horticulture and mining.
 - 7.2. Streamline the plan preparation process in Schedule 1 of the RMA.
 - 7.3. Simplify the planning system and related statutes including the Public Works Act and the Reserves Act.
 - 7.4. The Parties commit to establish a fast-track one-stop-shop consenting and permitting process for regional and national projects of significance. The process will include a referral by Ministers for suitable projects. A Bill to introduce this process and make other essential statutory amendments will have its first reading as part of the government's 100-day plan. *
8. Replace the Resource Management Act 1991 with new resource management laws premised on the enjoyment of property rights as a guiding principle.
9. Replace the National Policy Statement for Freshwater Management 2020 to allow district councils more flexibility in how they meet environmental limits and seek advice on how to exempt councils from obligations under the NPSFM2020 as soon as practicable.
10. Replace the NPSFM2020 to rebalance te mana o te wai to better reflect the interest of all water users.

¹ An [agreement between the National Party & ACT NZ](#) plus an [agreement between the National Party & NZ First](#).

² Further information and other resource management-related themes are set out in Attachment 1.

11. Commence an urgent review into the implementation of the National Policy Statement on Indigenous Biodiversity before any implementation.
12. Begin to cease implementation of new Significant Natural Areas and seek advice on operation of the areas.*
13. Improve Farm Environment Plans so they are cost-effective and pragmatic for farmers.
14. Support Farm Environment Plans administered by regional councils and targeted at a catchment level.
15. Adopt standardised farm level reporting.
16. Cut red tape and regulatory blocks on irrigation, water storage, managed aquifer recharge and flood protection schemes.
17. Amend the National Environmental Standards for Plantation Forestry (NES-PF)³ regulations to place a duty upon harvesters to contain and remove post-harvest slash.
18. Deliver longer durations for marine farming permits and remove regulations that impede the productivity and enormous potential of the seafood sector.
19. Liberalise genetic engineering laws while ensuring strong protections for human health and the environment.

Government's resource management reform work programme

Phase One – Repeal of Natural and Built Environment Act and Spatial Planning Act

20. The Government is moving ahead with its work programme to reform New Zealand's resource management laws. The Minister for Regulatory Reform Hon Chris Bishop wrote to councils in December 2023 outlining that work programme. A copy of the full letter is in Attachment 3.
21. Phase one was completed last year with the repeal of the Spatial Planning Act and Natural and Built Environment Act (NBEA). The Resource Management Act 1991 was reinstated while the fast-track consenting provisions of the NBEA were also retained in the interim.

Phase Two – Fast-track consenting Bill

22. Phase two involves the development of a new permanent 'fast-track' consenting framework. Cabinet has indicated the new fast-track regime will include⁴:
 - 22.1. a new fast-track consenting process contained in a standalone Act with its own purpose statement focused on economic development
 - 22.2. a priority for regionally and nationally significant infrastructure and development projects
 - 22.3. a process for projects to be referred by ministers to the fast-track process if they meet appropriate criteria
 - 22.4. projects referred to the fast-track consenting process will go to an Expert Panel, which will assess the applications and apply any necessary conditions to ensure adverse effects of the project are managed
 - 22.5. limited scope for the Expert Panel to decline a project once it has been referred
 - 22.6. a list of specified projects included in the legislation that will be first to be referred to an Expert Panel
 - 22.7. a 'one-stop-shop' process for approvals under a range of legislation - not only RMA resource consents (e.g. Conservation Act and Wildlife Act).
23. The Government has committed to upholding Treaty of Waitangi settlements as part of the new fast-track regime.
24. Councils would not be the consenting authority for fast-track proposals, but could be applicants

³ NES-PF was amended in late 2023 and it is now named as a NES for Commercial Forestry.

⁴ Also refer to Attachment 2 which is a short 2-page information sheet published by Ministry for the Environment.

for projects if they have eligible projects. Until the Bill is fully unveiled, details are not currently known about opportunities and/or implications for Hawke’s Bay and Hawke’s Bay Regional Council.

25. A Bill is expected to be introduced to Parliament by 7 March 2024 and then referred to a select committee for consideration. Following that, there will be an opportunity for any person to make a submission on that Bill. Timing and length of the submission period is unknown.

Phase three – Resource Management Act reform

26. Phase three of the Government’s resource management reform work programme involves the development of replacement resource management laws “based on the enjoyment of property rights.” Development of the new RMA framework will take place over the next 24 months, with a Bill expected to be introduced in late 2026.

27. Hon Chris Bishop, Minister Responsible for RMA Reform wrote⁵ to all councils on 13 December 2023 stating:

“The Government is committed to honouring the undertakings made by the Crown through Treaty of Waitangi settlements and other arrangements. Treaty settlement arrangements reached between iwi and the Crown will be protected through the repeal and any future resource management reform processes.”

28. It is understood that similar commitments have also been made directly to settled iwi groups in both writing and verbally. Both coalition agreements include similar commitments to uphold existing Treaty settlements. There is however no publicly available information on how that commitment will be given effect in the proposed fast-track consenting bill, or other legislation, or how the rights and interests of iwi groups who have not yet settled will be protected.

National Policy Statement for Freshwater Management (NPS-FM)

29. On 31 January 2024, Hon Chris Bishop sent another letter⁶ to all councils stating:

“In my 13 December 2023 letter, I advised we will review and replace the NPS-FM in this parliamentary term. This will be done through the RMA process for developing and amending national direction. This will take time, so we have extended the statutory deadline for councils to notify freshwater planning instruments to implement the NPS-FM by three years.[⁷]

In the interim we intend to progress changes to how the hierarchy of obligations contained in Te Mana o te Wai provisions of the NPS-FM apply to consent applications and consent decisions. Our intention is that these changes will be made through a separate RMA amendment bill [in 2024].”

30. Further details on precisely what this involves are yet to be made public. Council’s senior planning and regulatory staff continue to have an active role in how the regional government collective (Te Uru Kahika) may have an influence on the shape of these proposals as and when the relevant Ministers approve public release of further details.
31. It is anticipated that our tāngata whenua partners (including appointed tāngata whenua members of the Regional Planning Committee) plus representatives of a wide range of tāngata whenua groups will also maintain a very close interest in how this progresses.

⁵ Full copy of letter is in Attachment 3.

⁶ Full copy of letter is in Attachment 4.

⁷ All regions now have a three year extension to publicly notify new freshwater plans. Previously, a three-year extension had already been passed for the Hawke’s Bay region (from 31 December 2024 to 31 Dec 2027). That extension was passed as an Order In Council under the Severe Weather Event Recovery Legislation Act 2023 (SWERLA).

Decision-making process

32. 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 *New Government's intentions for Resource Management-related reforms* staff report.

Authored by:

Gavin Ide
Principal Advisor Strategic Planning

Approved by:

Katrina Brunton
Group Manager Policy & Regulation

Attachment/s

- 1** [↓](#) Summary of Government intentions from Coalition Agreements and 100 day plan
- 2** [↓](#) MfE Fast-track consenting proposals information sheet Feb 2024
- 3** [↓](#) 13 December 2023 Letter from Hon Chris Bishop
- 4** [↓](#) 31 January 2024 Letter from Hon Chris Bishop

Appendix 1: Summary of Government's intentions from Coalition Agreements and 100-Day Plan

(* indicates action in 100-day plan)

Affordable Water Reform

1. Introduce legislation to repeal the Water Services Entities Act 2022. *
2. Stop all work on establishing the agencies.

Climate Change

3. Deliver Net Zero by 2050 including doubling New Zealand's renewable electricity and supporting new technology to reduce agricultural emissions.
4. Maintain a split-gas approach to methane and carbon dioxide through to 2050 and review the methane science and targets in 2024 for consistency with no additional warming from agricultural methane emissions.
5. Enable farmers and landowners to offset sequestration against their on-farm emissions.
6. Plan for transitional low carbon fuels, including the infrastructure needed to increase the use of methanol and hydrogen to achieve sovereign fuel resilience.
7. Ensure that climate change policies are aligned and do not undermine national energy security.
8. Ensure the government's energy settings allow for the exploration of natural geological hydrogen in New Zealand, to maximise future energy resilience.
9. Stop the current review of the Emissions Trading Scheme system to restore confidence and certainty to the carbon trading market.
10. Progress work to recognise other forms of carbon sequestration, including blue carbon.
11. Incentivise the uptake of emissions reduction mitigations, such as low methane genetics, and low methane producing animal feed.

Housing

12. Begin work on Going for Housing Growth policy, expand housing supply, build infrastructure and give councils flexibility over Medium Density Residential Standards.
13. Introduce financial incentives for councils to enable more housing, including considering sharing a portion of GST collected on new residential builds with councils.
14. Legislate to make the Medium Density Residential Standards (MDRS) optional for councils¹, with the need for councils to ratify any use of MDRS, including existing zones. *

Infrastructure, Energy and Natural Resources

15. Begin work on establishing a National Infrastructure Agency. *
16. Build infrastructure with 12 new Roads of National Significance (RoNS) and four major public transport upgrades.
17. Include long-term city and regional infrastructure deals, allowing public private partnerships (PPP), tolling and value capture rating to fund infrastructure.
18. Establish a National Infrastructure Agency under the direction of relevant Ministers, to coordinate government funding, connect investors with NZ Infrastructure, and improve funding, procurement and delivery.
19. Prioritise strategic infrastructure to improve the resilience of heavy industry in New Zealand.
20. Establish a Regional Infrastructure Fund with \$1.2B in capital funding over the Parliamentary term.
21. Facilitate the development and efficiency of ports and strengthen international supply networks.
22. Require the electricity regulator to implement regulations such that there is sufficient electricity infrastructure to ensure security of supply and avoid excessive prices.
23. Plan for transitional low carbon fuels, including the infrastructure needs to increase the use of methanol and

¹ Since being introduced, the MDRSs have been optional for councils in the Hawke's Bay region. The MDRSs are compulsory in a number of the larger metropolitan centres and high growth urban areas.

hydrogen to achieve sovereign fuel resilience.

24. Begin efforts to double renewable energy production, including a NPS on Renewable Electricity Generation.*

Natural resource management

25. Repeal the Natural and Built Environment Act and Spatial Planning Act and introduce a fast-track consenting regime.*
26. Repeal the Natural and Built Environment Act 2023 and the Spatial Planning Act 2023 by Christmas.*
27. Amend the Resource Management Act 1991 to:
- 27.1. Make it easier to consent new infrastructure including renewable energy, allow farmers to farm, get more houses built, and enhance primary sector including fish and aquaculture, forestry, pastoral, horticulture and mining.
- 27.2. Streamline the plan preparation process in Schedule 1 of the RMA.
- 27.3. Simplify the planning system and related statutes including the Public Works Act and the Reserves Act.
- 27.4. The Parties commit to establish a fast-track one-stop-shop consenting and permitting process for regional and national projects of significance. The process will include a referral by Ministers for suitable projects. A Bill to introduce this process and make other essential statutory amendments will have its first reading as part of the government's 100-day plan.*
28. Replace the Resource Management Act 1991 with new resource management laws premised on the enjoyment of property rights as a guiding principle.
29. Replace the National Policy Statement for Freshwater Management 2020 to allow district councils more flexibility in how they meet environmental limits and seek advice on how to exempt councils from obligations under the NPSFM2020 as soon as practicable.
30. Replace the NPSFM2020 to rebalance te mana o te wai to better reflect the interest of all water users.
31. Commence an urgent review into the implementation of the National Policy Statement on Indigenous Biodiversity before any implementation.
32. Begin to cease implementation of new Significant Natural Areas and seek advice on operation of the areas.*
33. Improve Farm Environment Plans so they are cost-effective and pragmatic for farmers.
34. Support Farm Environment Plans administered by regional councils and targeted at a catchment level.
35. Adopt standardised farm level reporting.
36. Cut red tape and regulatory blocks on irrigation, water storage, managed aquifer recharge and flood protection schemes.
37. Amend the National Environmental Standards for Plantation Forestry (NES-PF)² regulations to place a duty upon harvesters to contain and remove post-harvest slash.
38. Deliver longer durations for marine farming permits and remove regulations that impede the productivity and enormous potential of the seafood sector.
39. Liberalise genetic engineering laws while ensuring strong protections for human health and the environment.
- #### Regional transport and public transport
40. Begin work on a draft new Government Policy Statement on Transport reflecting new Roads of National Significance and public transport projects.*
41. Stop Labour's blanket speed limit reductions and start work on replacing the Land Transport Rule: Setting of Speed Limits 2022.*
42. Reverse speed limit reductions where it is safe to do so.
43. Upgrade the Super Gold Card and Veterans Card to maximise its potential benefit for all holders.
44. Reduce expenditure on cycleways.

² NES-PF was amended in late 2023 and it is now named as a NES for Commercial Forestry.

45. Replace fuel excise taxes with electronic road user charges for all vehicles, starting with electric vehicles.
46. Commitment to supercharge electric vehicle infrastructure with a comprehensive, nationwide network of 10,000 public EV chargers by 2030 will specifically take into account that there must be robust cost benefit analysis to ensure maximum benefit for government investment.
47. Cancel Labour's planner "fuel tax hikes" that would add another 12 cents per litre, or add an extra \$8 for a full tank.
48. Repeal Clean Car Discount Scheme by 31 December 2023. *

Regulatory Reform

49. New ministerial portfolio for regulation including introduction of proposed Regulatory Standards Act and establishment of new regulations government department.

Resilience, response and recovery

50. Meet with councils and communities to establish regional requirements for recovery from Cyclone Gabrielle and other recent major flooding events.
51. Make any additional Orders in Council needed to remove red tape to speed up cyclone and flood recovery efforts.

Te Tiriti and outcomes for Māori

52. Honour the undertakings made by the Crown through past Treaty of Waitangi settlements.
53. Reverse measures taken in recent years which have eroded the principle of equal citizenship, specifically:
 - 53.1. Remove co-governance from the delivery of public services.
 - 53.2. Restore the right to local referendum on the establishment or ongoing use of Māori wards, including requiring a referendum on any wards established without referendum at the next Local body elections.
 - 53.3. Confirm that the Coalition Government does not recognise the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) as having any binding legal effect on New Zealand.
54. Amend section 58 of the Marine and Coastal Area Act to make clear Parliament's original intent, in light of the judgment of the Court of Appeal in *Whakatohea Kotahitanga Waka Edwards) & Ors v Te Kahui and Whakatohea Māori Trust Board & Ors* [2023] NZCA 504.
55. Amend the Waitangi Tribunal legislation to refocus the scope, purpose, and nature of its inquiries back to the original intent of that legislation.
56. Conduct a comprehensive review of all legislation (except when it is related to, or substantive to, existing full and final Treaty settlements) that includes "The Principles of the Treaty of Waitangi" and replace all such references with specific words relating to the relevance and application of the Treaty, or repeal the references.
57. Remove co-governance from the delivery of public services.



Ministry for the
Environment
Manatū Mo Te Taiao

Fast-track policy proposals

Information sheet

February 2024

Introduction

The Government has committed to developing a new fast-track process for regionally and nationally significant infrastructure and developments. This is part of the Government's coalition agreement and will be delivered through a bill introduced into the house by 7 March 2024, within the Government's first 100 days in office.

The proposed bill will set out a 'one-stop shop' process for approvals under a range of legislation, including the Resource Management Act.

Several central government agencies are supporting the Government in this work.

Note: the proposals set out below are not final and are subject to further ministerial decisions and Cabinet approval.

Reforming the resource management system

The fast-track bill is part of the Government's phased approach to reforming the resource management system.

The phases are:

1. repeal of the Natural and Built Environment Act and Spatial Planning Act, completed in December 2023
2. introduction of a fast-track consenting regime and targeted amendments to the Resource Management Act 1991 (RMA) by late 2024
3. replacement of the current RMA with new resource management legislation based on the enjoyment of property rights, while ensuring good environmental outcomes (proposed for introduction in late 2026).

Context for fast-track proposals

The Government considers infrastructure and development is important for New Zealand's economic potential and that approvals for major projects are hindered by the RMA, costing too much and taking too long. Providing certainty and a faster consenting pathway for significant projects is a priority for the Government.

The Infrastructure Commission/Te Waihanga estimates current consenting processes cost infrastructure projects \$1.3 billion every year, and the time taken to get a resource consent for key projects has nearly doubled in a recent five-year period.¹

Fast-track provisions in the Natural and Built Environment Act are in effect while the new legislation is developed.

Summary of proposals

Cabinet has indicated the new fast-track regime will consist of:

- a new fast-track process contained in a standalone act, with its own purpose statement focused on economic development
- a priority for regionally and nationally significant infrastructure and development projects
- a process for projects to be referred by ministers to the fast-track process if they meet appropriate criteria
- a process where referred projects will go to an Expert Panel, which will apply any necessary conditions to ensure adverse effects on the environment are managed appropriately
- limited ability for an Expert Panel to decline a project once it has been referred
- a list of projects specified in the legislation that will be first to be referred to an Expert Panel
- a "one-stop shop" where other relevant permits are obtained in addition to resource consents.

The Government is committed to upholding Treaty of Waitangi settlements as part of the new fast-track regime.

Timeline

Decisions on the legislation will be made during February. The fast-track bill is intended to be introduced to Parliament by 7 March 2024. The bill will then proceed through the House, including a select committee process.

The bill is expected to be enacted by the end of 2024.



Hon Chris Bishop

Minister of Housing
 Minister for Infrastructure
 Minister Responsible for RMA Reform
 Minister for Sport and Recreation
 Leader of the House
 Associate Minister of Finance



13 December 2023

Tēnā koe,

Intention to repeal the Natural and Built Environment Act 2023 and the Spatial Planning Act 2023 and replace the National Policy Statement for Freshwater 2020

It is a privilege to be able to write to you as the new Minister Responsible for RMA Reform. I look forward to meeting with you in due course.

As you may be aware, the Government has set out its commitments for its first 100 days in office. These include changes to resource management legislation.

Repeal of Natural and Built Environment Act and the Spatial Planning Act

Our first step is to repeal the Natural and Built Environment Act 2023 (NBA) and Spatial Planning Act 2023 (SPA) before Parliament rises at the end of 2023, a commitment made in the Government's coalition agreements. Once the repeal is finalised, legislation will revert to the Resource Management Act 1991 (RMA).

To avoid unnecessary disruption through the repeal, a limited number of NBA functions will be retained including the fast-track consenting process while the Government develops a replacement fast-track consenting regime. We will introduce this new regime within the first 100 days of taking office alongside other changes to make the RMA faster and easier to use.

The Government is committed to reforming the resource management system. Repealing the NBA and SPA is the first phase of this reform.

In the second phase of the reform, the Government will amend the RMA to make it easier to consent new infrastructure including renewable energy, allow farmers to farm, build more houses, and enable aquaculture and other primary industries.

The third phase of the reform will replace the RMA with new resource management laws based on the enjoyment of property rights.

The Government is committed to honouring the undertakings made by the Crown through Treaty of Waitangi settlements and other arrangements. Treaty settlement arrangements reached between iwi and the Crown will be protected through the repeal and any future resource management reform processes.

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Changes to the National Policy Statement for Freshwater Management

We have also decided to review and replace the National Policy Statement for Freshwater Management 2020 (NPS-FM) in this term of Government, following normal RMA processes for national direction.

We will also use the repeal legislation mentioned above to extend the RMA's statutory deadline for notifying freshwater planning instruments to implement the NPS-FM by three years to 31 December 2027. This will allow time to replace and then implement a revised NPS-FM.

We intend to use the planned RMA amendment bill to progress changes to the application of the hierarchy of obligations contained in the Te Mana o te Wai provisions of the NPS-FM. Our intent is to clarify that consent applicants do not have to demonstrate how their individual activity adheres to the hierarchy, and to disapply the hierarchy from council consent decisions. We will undertake targeted engagement with iwi/ hapū/Māori on these matters before making final decisions.

I appreciate the expertise that local government holds and the key role you will continue to play in the resource management system. I acknowledge that over the last two years or more you may have committed significant time and resources into the broader resource management reforms.

I look forward to working with you and understanding your perspective as we move forward. Should you have any questions in the meantime, please contact RM.reform@mfe.govt.nz.

Yours sincerely,



Hon Chris Bishop
Minister Responsible for RMA Reform

Hon Chris Bishop

Minister of Housing
Minister for Infrastructure
Minister Responsible for RMA Reform
Minister for Sport and Recreation
Leader of the House
Associate Minister of Finance



31 January 2024

Tēnā koe

Development of fast-track consenting legislation and changes to the National Policy Statement for Freshwater Management

I am writing to advise you of the Government's plans to develop fast-track consenting legislation and introduce changes to the National Policy Statement for Freshwater Management 2020 early this year.

This follows on from my 13 December 2023 letter confirming that the Government is committed to reforming the resource management system. This began with the repeal of the Natural and Built Environment Act 2023 and the Spatial Planning Act 2023 and the retention of a temporary fast-track consenting regime.

The next phase is to introduce a permanent fast-track consenting process for locally, regionally and nationally significant infrastructure and developments. This was part of the Government's coalition agreement and will be delivered through a bill introduced in the Government's first 100 days in office, before 7 March 2024. We recognise how important these developments are for New Zealand's prosperity. That is why providing certainty and a faster consenting pathway for significant projects is a priority for us.

In the third phase of the reform, we will replace the Resource Management Act 1991 (RMA) with new resource management laws based on the enjoyment of property rights.

Proposed fast-track consenting bill

I am proposing a new bill which draws on the previous fast-track regimes and that will reflect the following:

- The new fast-track process will be contained in a standalone Act with its own purpose statement.
- Locally, regionally and nationally significant infrastructure and development projects will be prioritised.
- There will be a process for the responsible minister to refer projects for acceptance into the fast-track process, and the bill will also contain a list of projects that will be first to have their approvals granted.
- Referred projects will go to an Expert Panel, which will have limited ability to decline a project once referred and will apply any necessary conditions to ensure adverse effects of the project are managed.

The proposed Bill would contain specific protections for Treaty settlements and other Treaty-related arrangements and commitments. Projects would be assessed for their compliance with these arrangements before being referred to the Expert Panel.

The proposed Bill will set out a 'one-stop shop' process for approvals under a range of legislation, including the RMA.

National Policy Statement for Freshwater Management (NPS-FM)

In my 13 December 2023 letter, I advised we will review and replace the NPS-FM in this parliamentary term. This will be done through the RMA process for developing and amending national direction. This will take time, so we have extended the statutory deadline for councils to notify freshwater planning instruments to implement the NPS-FM by three years.

In the interim we intend to progress changes to how the hierarchy of obligations contained in Te Mana o te Wai provisions of the NPS-FM apply to consent applications and consent decisions. Our intention is that these changes will be made through a separate RMA amendment bill this year.

Next steps

Details of the fast-track consenting regime and NPS-FM changes will be worked through over the coming weeks.

To inform this work, officials will carry out targeted engagement with groups representing Māori, local government, infrastructure, development, and environmental and commercial interests, as well as technical experts. This includes the Local Government Steering Group and local government peak bodies.

There will be an opportunity to provide feedback through a select committee process which is likely to commence in March, shortly after introduction of the fast-track consenting bill.

We will make more information available as work progresses. In the meantime, should you have any questions relating to the content of this letter, please contact RM.Reform@mfe.govt.co.nz.

Yours sincerely



Hon Chris Bishop
Minister Responsible for RMA Reform

Subject: Regional Policy Statement project update

Reason for Report

1. This item updates the Regional Planning Committee on progress with the Kotahi Plan project and seeks endorsement from the Committee to develop a refreshed Regional Policy Statement as Phase One of Kotahi Plan development.

Executive Summary

2. The environmental challenges and pressures across our region continue, regardless of changes to governments, timeframes, or policy. HBRC is continuing to take a strategic approach to identifying and managing these issues through continued development of the Kotahi Plan.
3. Taking into account the impacts of Cyclone Gabrielle we recommend the RPC agree to a two-stage approach to developing the Kotahi Plan.
4. Phase one will focus on developing a new Regional Policy Statement, identifying significant regional environmental issues, alongside objectives and policies for the sustainable management of natural and physical resources in the region. This also includes identifying the visions and values of communities, including tāngata whenua, across the region and therefore it makes sense to prioritise this aspect of the plan first.
5. Phase two will be the development of the Regional Resource Management Plan establishing the rules for both permitted activities and activities requiring resource consent.
6. Once completed the RPS and RRMP will combine to form the Kotahi Plan.
7. Our current Regional Policy Statement is outdated and due for review, whilst also being required to meet the new National Planning Standards by December 2024.

Background

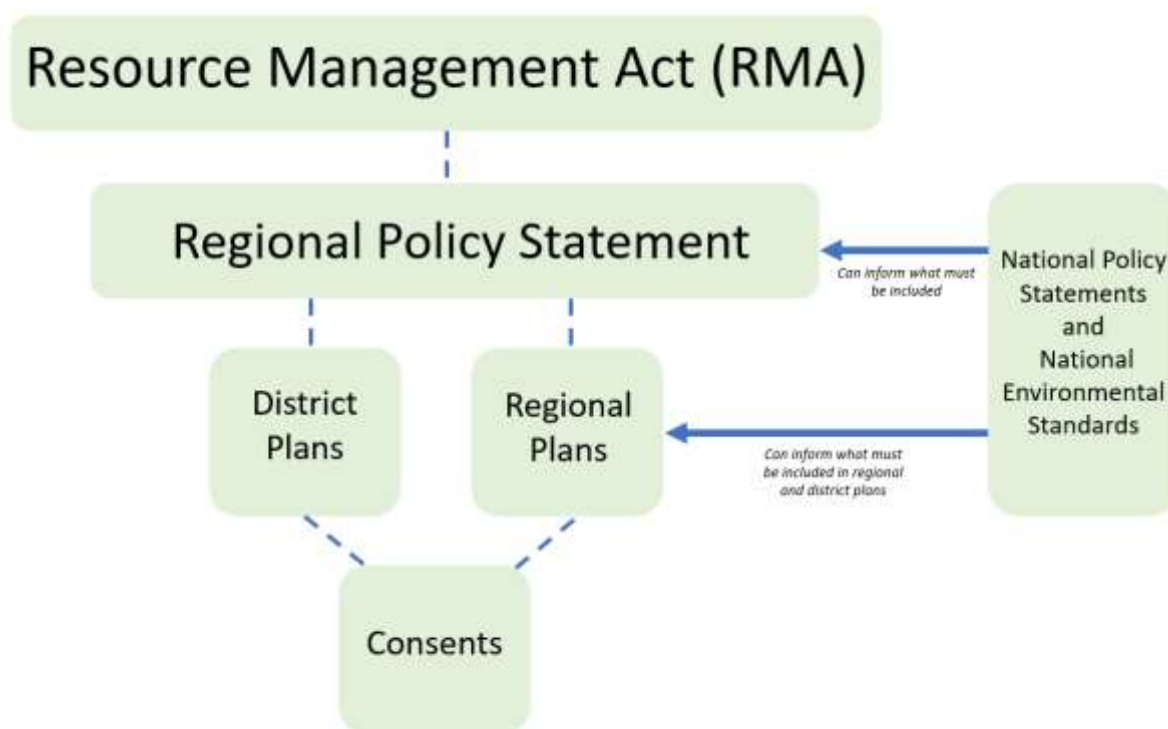
8. Prior to Cyclone Gabrielle the intention for the Kotahi Plan was to develop one plan that combined the Regional Policy Statement, Regional Resource Management Plan and Coastal Environment Plan. The National Policy Statement for Freshwater Management (2020) required the freshwater components of the Kotahi Plan to be notified by December 2024.
9. The Regional Council's policy planning work programme was disrupted by Cyclone Gabrielle and subsequent actions to support the region's response and recovery from that devastating weather event. Post Cyclone Gabrielle, the previous Government agreed, via Order in Council, to provide Hawke's Bay Regional Council with a three-year extension to the December 2024 deadline.
10. As described in other reports being presented to the Regional Planning Committee's 13th March meeting, the new coalition government has already passed legislation repealing the Spatial Planning Act and the Natural and Built Environment Act. That legislation also featured an amendment granting a three-year extension for all regions to implement the National Policy Statement for Freshwater Management (NPSFM) in new regional freshwater plans. Meanwhile, the Government has signaled its intention to replace the NPSFM within this Parliamentary term, along with progressing a number of other resource-management related policy reforms.

Proposed 2 Stage Approach

11. As a result of the recent changes and further proposed legislative changes, extension of deadlines and the impact of recovery work, we are recommending further work on the Kotahi Plan be progressed in two stages. The first part will focus on the preparation and development of a draft Regional Policy Statement, followed by the draft Regional Resource Management Plan. The phasing of the project into two parts also allows for the flexibility to respond to changes in national direction where required.

Phase One – Regional Policy Statement

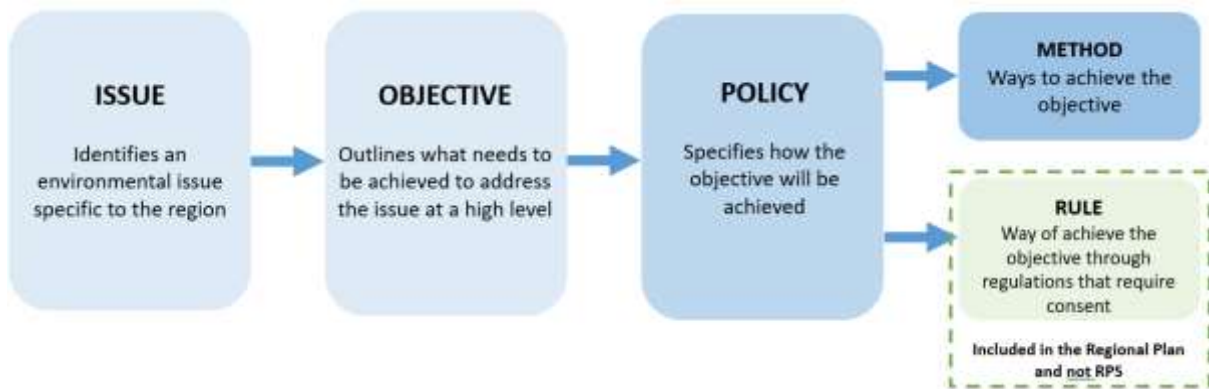
12. Regional policy statements guide resource management within a region by identifying key strategic environmental issues, including community and tāngata whenua visions and values. It is mandatory under the RMA for each region to have an RPS.⁸ The purpose of the RPS is to outline objectives and policies for the sustainable management of natural and physical resources in the region, including considerations for environmental, economic, social, and cultural factors.
13. Regional policy statements are overarching documents that identify the most significant environmental issues in the region and provide direction to regional plans, district plans, other resource management plans and consents on how these issues should be managed.



Role of the Regional Policy Statement

14. The regional policy statement identifies regionally significant environmental issues and then outlines through objectives how these issues will be dealt with at a high level. Policies in an RPS will specify how those objectives will be achieved. An RPS is also required to set out methods to implement the policies and achieve the stated objectives. The methods and rules (to feature in regional plans) will set out a series of actions that the Council and its partners will undertake and/or that resource consents must comply with. This pathway is shown in the diagram below.

⁸ The current RPS for Hawke's Bay is incorporated into the Hawke's Bay Regional Resource Management Plan (operative in August 2006).



15. It should be noted that a Regional Policy Statement cannot include rules, rather it sets up the framework for a management approach. Associated rules are included in the Regional Resource Management Plan. The RPS can direct other councils within the region to deal with the management of certain topics or issues within their own plans and all regional and district plans under the RMA must give effect to the RPS and cannot be inconsistent.
16. The National Planning Standards (prescribing the form and style of RMA planning documents) require the following prescribed topics and domain chapters to be included in our Regional Policy Statement:
 - 16.1. Air
 - 16.2. Coastal Environment
 - 16.3. Climate Change (new)
 - 16.4. Ecosystems and Indigenous Biodiversity (new)
 - 16.5. Energy, Infrastructure and Transport
 - 16.6. Hazards and Risks
 - 16.7. Integrated Management
 - 16.8. Urban Form and Development.
17. The National Planning Standards also require the RPS to include specific chapters on:
 - 17.1. Tangata whenua/mana whenua, and
 - 17.2. Resource management issues of significance to iwi authorities in the region.
18. The current operative Hawke's Bay Regional Policy Statement is incorporated into the Hawke's Bay Regional Resource Management Plan (RRMP). The RRMP was publicly notified in 2000 and became operative in August 2006. Several changes and amendments have been made since during the life of the Regional Policy Statement. Nonetheless, large parts of the document have not been updated, despite s.79 of the RMA requiring both the Regional Policy Statement and Regional Plan to be reviewed at least every 10 years.
19. The Regional Policy Statement is also currently required to be consistent with the National Planning Standards 2019 by November 2024 (Standard 17.2). Rather than attempting to update the existing outdated RPS to align with the National Planning Standards form and style requirements, we recommend the RPC agree to develop a new RPS that meets the required standard as part of the Kotahi Plan process.
20. Other territorial local authorities across the Hawke's Bay region have also expressed their desire for an updated Regional Policy Statement to provide strategic direction where it is currently considered to be lacking, particularly on issues such as Climate Change, Natural Hazards and Risk, Transport, and Biodiversity. The territorial local authorities are seeking improved regional guidance via the Regional Policy Statement to assist them in responding effectively to these issues.

Phase Two

21. The proposed second phase would include the development of a draft Regional Resource Management Plan. This plan would outline policies, rules and regulations regarding the use of natural and physical resources within the region.
22. The purpose of Regional Resource Management Plan is to manage activities that may have an impact on the environment, including land use, water management, air quality, and coastal management and would include provisions applying within the coastal marine area (like those in the operative Regional Coastal Environment Plan).
23. Once the Regional Resource Management Plan is completed through this second phase it would be able to be combined with the Regional Policy Statement to form the Kotahi Plan.

Current Activities

24. At present, the Policy Team is in the process of conducting a literature review, undertaking a desktop assessment of the issues for RPS topics, reviewing previous engagement (including recovery engagement) and engaging resources to provide a solid platform for drafting a new Regional Policy Statement as phase one of the Kotahi Project.
25. The Policy Team is also currently engaging with tāngata whenua to identify their visions and values for the environment. This work will be vital to informing the tāngata whenua chapters and provisions.

Recommendation

That the Regional Planning Committee:

1. Receives and considers the *Regional Policy Statement project update* staff report.
2. Endorses the proposal to divide the Kotahi project into two phases, with:
 - 2.1. the first phase being the development of the Regional Policy Statement and
 - 2.2. the second the phase being the development of the Hawke's Bay Regional Resource Management Plan.
3. Endorses the progression of the Regional Policy Statement.

Authored by:

Nichola Nicholson
Team Leader Policy & Planning

Approved by:

Katrina Brunton
Group Manager Policy & Regulation

Attachment/s

There are no attachments for this report.

Subject: February 2024 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 *February 2024 Policy Projects update*.

Authored by:

Nichola Nicholson
Team Leader Policy & Planning

Approved by:

Katrina Brunton
Group Manager Policy & Regulation

Attachment/s

- 1 [1](#) February 2024 RMA policy projects update

Status Report on HBRC Resource Management Plan Change Preparation & Review Projects (as at 22 February 2024)

Updates since previous meeting (16 August 2023) 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. Decisions on submissions were issued on 26 June 2021. Three parties lodged appeals with the Environment Court. A copy of each of these appeals can be viewed at https://www.hbrc.govt.nz/hawkes-bay/projects/outstanding-water-bodies/ After a series of mediation meetings, (both Court-assisted and council-initiated), in 2023 parties asked the Environment Court to set a hearing date in for those appeal matters where agreements could not be achieved. <u>Expert evidence for the hearing has been prepared and exchanged amongst the parties. The Environment Court hearing was scheduled to commence 1-2 February 2024 however had to be postponed due to the Judge falling ill earlier that week. The hearing is now re-scheduled for 13-15 March 2024.</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. The Hearings Panel consisting of Antoine Coffin (Chair), Dr Brent Cowie, Dr Greg Ryder, Dr Roger Maaka, and Rauru Kirikiri issued decisions on 9th September 2022. Decisions are online¹. 16 appeals have been filed in the Environment Court. Copies of those appeals are online. <u>Parties and the Court have agreed on a sequence of mediation topics. Court-assisted mediation on those topics will occur throughout remainder of 2024.</u> 	Updates from staff as and when new information becomes available.
Implementation of National Policy Statement on Urban Development 2020 (NPS-UD)	<ol style="list-style-type: none"> Three councils (HBRC, NCC and HDC) are jointly responsible for developing a 'Future Development Strategy' ('FDS') for the Napier-Hastings urban area. That Strategy would sit outside of the Regional Policy Statement and regional plans (much like the existing Heretaunga Plains Urban Development Strategy). <u>The FDS Joint Committee's next meeting is scheduled for 6th March 2024. In late 2023, a public 'call for opportunities' phase was opened inviting suggestions of potential development sites (both residential development and business/industrial development types).</u> <u>The FDS Technical Advisory Group members have commenced a preliminary 'multi-criteria evaluation' of those nominated sites. The FDS TAG has been crafting several types of development scenarios for consideration by the FDS Joint Committee. The Joint Committee's preferred scenario will inform the next phase of community engagement and public submission in mid-2024.</u> <u>The current work programme for FDS development is aiming to have a finalised FDS adopted by October 2024.</u> 	Updates from staff as and when new information becomes available.
Statutory Acknowledgements of Treaty settlements	<i>Refer to Pātaka online mapping tool for further information [website link] about current Statutory Acknowledgements in Hawke's Bay region that have been passed in various Treaty settlement statutes.</i>	Updates from staff as and when new information becomes available.

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

Subject: February 2024 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 *February 2024 Statutory Advocacy update*.

Authored by:

Gavin Ide
Principal Advisor Strategic Planning

Nichola Nicholson
Team Leader Policy & Planning

Approved by:

Katrina Brunton
Group Manager Policy & Regulation

Attachment/s

1 [↓](#) February 2024 Statutory Advocacy update

Statutory Advocacy Update (as at 24 February 2024)

Note: updates since reporting for previous Māori Committee meeting (2 August 2023) are provided in green underlined text.

Table 1: National Proposals

NB: Department of Internal Affairs publish regular ‘snapshots’ of central government work programmes impacting on local government.

View the latest (pre-election) [October 2023 Summary version online](#).

Received	Proposal	Agency	Status	Current Situation
15 Nov 2022	<p>Reforming the Resource Management System</p> <p><u>The previous Labour-led Government has had plans to repeal the Resource Management Act 1991 (RMA) and replace it with three new pieces of legislation. Those reforms were based largely on the findings of the comprehensive review of the resource management system which were released in 2021.</u></p> <p><u>Prior to the October 2023, General Election, the previous Government passed two new Acts in August 2023 which were:</u></p> <p>Natural and Built Environment Act 2023 (NBA)</p> <p>Spatial Planning Act 2023 (SPA)</p>	<p>Ministry for the Environment (lead) in association with various other Ministries</p>	<p><u>RMA remains in force, with some associated savings and transitional provisions.</u></p> <p><u>NBA and SPA repealed.</u></p>	<p><u>Prior to the new Coalition Government being formed, the Labour-led Government had passed into law both the NBA and the SPA. A small number of changes were applicable immediately from 24th August 2023. The remainder was intended to be gradually phased in over about a ten-year period. Many parts of the RMA were still in force in interim.</u></p> <p><u>However, following the 2023 General Election and formation of the new Coalition Government, some significant shifts in legislation have transpired and more have been foreshadowed in the Coalition Agreements. In short –</u></p> <ul style="list-style-type: none"> <u>in late December 2023, Parliament passed the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023</u> <u>the NBA and SPA have been repealed</u> <u>work on a National Planning Framework (NPF) under the NBA and SPA is ceased</u> <u>the RMA remains in force, alongside several savings and transitional provisions. National policy statements and national environmental standards etc all remain in effect for now</u> <u>an interim fast-track consenting process remains in play as part of the transitional arrangements, but the Government intends to propose further legislation to amend fast-track consenting.</u> <p><u>The Government has foreshadowed it intends to introduce new RMA reforms and a replacement NPSFM within this Parliamentary term. Details and timings for those intentions are not known yet.</u></p>

Received	Proposal	Agency	Status	Current Situation
5 Sept 2023	<p>Select Committee Inquiry into Climate Adaptation</p> <p>The committee's Inquiry into Climate Adaptation and funding is exploring how New Zealand could enable communities to relocate from areas at high risk from climate change, including before a disaster happens. It is also looking at how the costs of adapting to climate change could be met.</p> <p>Link to discussion document</p>	MFE	<p>Select Committee Inquiry initiated.</p> <p>Submissions closed.</p> <p>Next steps pending.</p>	<p>The Select Committee Inquiry was initiated under the previous Labour-led Government. Submissions to the Inquiry closed on 1 November 2023.</p> <p>A joint submission was lodged by the Clifton to Tangoio Coastal Hazards Joint Committee. Senior staff from HBRC also provided feedback to assist in shaping the Regional Government submission by Te Uru Kahika (collective of NZ's regional councils and unitary authorities).</p> <p>Next steps for the Select Committee Inquiry are unclear given change of Government and new Government's shift in priorities. Parliament's webpage for the Select Committee Inquiry was last updated on 25 August 2023.</p>

Various	<p>Orders in Council under Severe Weather Emergency Recovery Legislation Act 2023 ('SWERLA') Orders in Council are temporary law changes to assist achieving purposes of SWERLA. The principal purpose of SWERLA is "...to assist communities and local authorities affected by severe weather to respond to, and recover from, the impacts of severe weather events [including Cyclone Gabrielle] ..."</p>	Various Ministries	Various	<table border="1"> <thead> <tr> <th>What</th> <th>Status</th> <th></th> </tr> </thead> <tbody> <tr> <td>Hastings District Rating Valuations</td> <td>In effect</td> <td>weblink</td> </tr> <tr> <td>Local Government Act amendments</td> <td>In effect</td> <td>weblink</td> </tr> <tr> <td>Climate Change – Forestry</td> <td>In effect</td> <td>weblink</td> </tr> <tr> <td>Income Tax Accommodation Expenditure for North Island Flooding Events</td> <td>In effect</td> <td>weblink</td> </tr> <tr> <td>Outdoor burning of cyclone waste on rural land that would otherwise be prohibited under rules or national regs</td> <td>Expired</td> <td>weblink</td> </tr> <tr> <td>Waste Minimisation Act</td> <td>In effect</td> <td>weblink</td> </tr> <tr> <td>Waste management for landfills and temporary waste sorting facilities</td> <td>In effect</td> <td>weblink</td> </tr> <tr> <td>Temporary accommodation under RMA</td> <td>In effect</td> <td>weblink</td> </tr> <tr> <td>Waka Kotahi repair works under RMA</td> <td>In effect</td> <td>weblink</td> </tr> <tr> <td>KiwiRail repair works under RMA</td> <td>In effect</td> <td>weblink</td> </tr> <tr> <td>Extend statutory timeframe for Gisborne DC and HBRC to take enforcement/prosecution action (from 12 months to 24 months) under RMA</td> <td>In effect</td> <td>weblink</td> </tr> <tr> <td>Extend timeframe for water permit replacement applications in the TANK catchment area</td> <td>In effect</td> <td>weblink</td> </tr> <tr> <td> Provide additional time to comply with the following national direction timeframes: - NPS for Freshwater Management timeframe to notify freshwater planning instruments in Gisborne and Hawke's Bay </td> <td>In effect</td> <td>weblink</td> </tr> </tbody> </table>	What	Status		Hastings District Rating Valuations	In effect	weblink	Local Government Act amendments	In effect	weblink	Climate Change – Forestry	In effect	weblink	Income Tax Accommodation Expenditure for North Island Flooding Events	In effect	weblink	Outdoor burning of cyclone waste on rural land that would otherwise be prohibited under rules or national regs	Expired	weblink	Waste Minimisation Act	In effect	weblink	Waste management for landfills and temporary waste sorting facilities	In effect	weblink	Temporary accommodation under RMA	In effect	weblink	Waka Kotahi repair works under RMA	In effect	weblink	KiwiRail repair works under RMA	In effect	weblink	Extend statutory timeframe for Gisborne DC and HBRC to take enforcement/prosecution action (from 12 months to 24 months) under RMA	In effect	weblink	Extend timeframe for water permit replacement applications in the TANK catchment area	In effect	weblink	Provide additional time to comply with the following national direction timeframes: - NPS for Freshwater Management timeframe to notify freshwater planning instruments in Gisborne and Hawke's Bay	In effect	weblink
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Received	Proposal	Agency	Status	Current Situation						
				<ul style="list-style-type: none"> - National Stock Exclusion Regulation timeframes to exclude stock from waterways in Gisborne and Hawke's Bay - National Planning Standards implementation timeframes for Hastings District Council <table border="1"> <tr> <td>Faster RMA plan changes enabling permanent housing and papakāinga</td> <td>In effect</td> <td>weblink</td> </tr> <tr> <td>Replace the 2024 Long Term Plan with a three-year plan under LGA and no requirement for LTP audit</td> <td>In effect</td> <td>weblink</td> </tr> </table> <p>Various Government departments and ministries are continuing to evaluate the need for, and suitability of, additional draft Orders not listed in table above in one or more districts and regions affected by severe weather events.</p> <p>Copies of any submissions made on behalf of HBRC on OIC proposals can be viewed at www.hbrc.govt.nz (keyword #hbrcsubmissions).</p>	Faster RMA plan changes enabling permanent housing and papakāinga	In effect	weblink	Replace the 2024 Long Term Plan with a three-year plan under LGA and no requirement for LTP audit	In effect	weblink
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7 July 2023	<p>Exploring a biodiversity credit system for NZ</p> <p>https://consult.environment.govt.nz/biodiversity/nz-biodiversity-credit-system/</p> <p>The Government is exploring whether a biodiversity credit system could help to incentivise the protection and restoration of native wildlife in NZ. MFE and DOC are seeking feedback on the need for and the design of a biodiversity credit system, and the different roles of government and Māori in implementing it. The Government's aim is for a system that has impact and integrity, tailored to NZ's unique context and challenges.</p>	MFE & DOC	Submissions closed 3 Nov 2023.	<ul style="list-style-type: none"> • A submission was lodged to MFE. The submission details HBRC's support for the introduction of a biodiversity credit system in New Zealand. A copy of HBRC's submission can be found at HBRC Submissions. 						

Received	Proposal	Agency	Status	Current Situation
5 Sept 2023	<p>Proposed amendments to National Policy Statement for Highly Productive Land (NPS-HPL)</p> <p>The two issues being consulted on as possible amendments to NPS-HPL are a lack of a clear consent pathway for:</p> <ul style="list-style-type: none"> • construction of new specified infrastructure on HPL in clause 3.9(2)(j)(i). Specified infrastructure can include developments such as solar farms and infrastructure needed at pace, for example to support the recovery after Cyclone Gabrielle; and • development and relocation of intensive indoor primary production and greenhouses on HPL. <p>Link to discussion document</p>	MFE & MPI	<p><u>Submissions closed 31 Oct 2023</u></p>	<ul style="list-style-type: none"> • Preliminary review of discussion document proposals by HBRC staff concluded submission from HBRC is not a high priority. • <u>Decisions from the new Government are pending on next steps for the proposed amendments.</u>
11 Sept 2023	<p>Transitional National Planning Framework (NPF) under the Natural and Built Environment Act</p> <p><u>In September 2023, an ‘exposure draft’ document was released for targeted engagement and preliminary feedback from councils and tāngata whenua. Subsequently in December 2023, the new Coalition Government passed the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023.</u></p>	MFE	<p><u>No further action</u></p>	<ul style="list-style-type: none"> • <u>Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 was passed into law in December 2023. Key consequences for transitional NPF are:</u> <ul style="list-style-type: none"> ◦ <u>“No further action may be taken” on preparation of a NPF or a transitional NPF</u> ◦ <u>“the engagement draft of the transitional national planning framework has no effect” and</u> ◦ <u>the board of inquiry established to oversee preparation of the transitional NPF is “disestablished.”</u>
18 Sept 2023	<p>Proposed National Policy Statement for Natural Hazard Decision-making (NPS-NHD)</p> <p>The <u>previous Labour-led</u> Government is seeking feedback on a proposed NPS-NHD. This is touted as a first step from central government to provide additional support for local government to manage risks to people and property from natural hazards such as floods, landslides and coastal inundation.</p> <p>Link to proposal and associated publications</p>	MFE	<p><u>Submissions closed 20 Nov 2023. Next steps pending.</u></p>	<ul style="list-style-type: none"> • <u>A joint submission was lodged by the Clifton to Tangoio Coastal Hazards Joint Committee. Senior staff from HBRC also provided feedback to assist in shaping the Regional Government submission by Te Uru Kahika (collective of NZ’s regional councils and unitary authorities).</u> • <u>The new Government is yet to publicly announce any intentions or decisions in relation to the NPS-NHD proposals.</u>

Table 2: Territorial Local Authority Proposals

Received	TLA	Proposal	Applicant/ Agency	Status	Current Situation
24 Feb 2024	HDC	<p>Proposed Plan Change 6 – Category 3 Lifestyle subdivision provisions for displaced owners</p> <p>This plan change introduces changes 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.</p> <p>PC6 is to be process through the Streamlined Planning Process as per the Severe Weather Emergency Recovery (Resource Management – Streamlined Planning Process) Order 2023. [weblink]</p>	Hastings District Council	<p>Publicly notified.</p> <p>Submissions close 22 March 2024.</p>	<ul style="list-style-type: none"> Staff are currently reviewing the proposed plan change to assess if a submission is necessary.
21 Sept 2023	NCC	<p>Napier Proposed District Plan Review</p> <p>NCC have undertaken a review of the district plan. A new proposed district plan was publicly notified on 21 September 2023.</p>	Napier City Council	<p>Publicly notified.</p> <p>Submissions closed 15 Dec 2023.</p>	<ul style="list-style-type: none"> Submission lodged. Staff provided comments on proposed district plan topics that supported, opposed, or wished to amend proposed provisions. A copy of HBRC's submission can be found HBRC at HBRC Submissions. Napier City Council has indicated that they will likely release variations to the proposed district plan in mid-2024 relating to indigenous biodiversity and natural hazards.

Table 3: Other Proposals

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

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 (now officially renamed as Te Awa o Mokotūāraro).	Applicants NZ Fish & Game Council, HB Fish & Game Council; Whitewater NZ; Jet Boating NZ; Operation Patiki Ngāti Hori ki Kohupatiki Marae; Royal Forest & Bird Protection Society	Special Tribunal Recommendation Report Released. Environment Court Inquiry's interim report issued. Final report still in progress.	<ul style="list-style-type: none"> The Environment Court's interim report (issued 4 Nov 2022) is online.¹ The Court has directed some parties to do further work prior to the Court issuing a final report. Appeals on points of law against the Environment Court's interim report closed on 25 Nov 2022. HBRC filed an appeal with the High Court. A High Court hearing date is still yet to be rescheduled.

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

Received	Proposal	Agency	Status	Current Situation
Various	Marine and Coastal Area (Takutai Moana) Act 2011	Applicants Ngāti Pāhauwera Development Trust, Maungaharuru Tangitū Trust, Ngai Tāhū O Mohaka Walkare, Ngati Parau Hapu (Waiohiki Marae Board of Trustees)	Still awaiting a rescheduled Court hearing fixture date	Previously... <ul style="list-style-type: none"> • The Court of Appeal has accepted Ngāti Pārau’s late Stage 2. It has also adjourned the scheduled hearing of the appeals until the Court releases its decision the re Edwards case which was heard early this year. • The High Court’s Stage 2 decision on the Ngāti Pāhauwera application was made on the 19th of January 2023. No final PCR or CMT were granted, instead the decision works through the various issues and creates a process for final draft orders to be submitted for approval. In relation to the issues HBRC raised at hearing the decision was in line with the evidence and submissions submitted. • After declining a stay application (i.e. a pause in proceedings) from Ngāti Pāhauwera, the High Court has continued towards the finalisation of the maps and orders. • High Court commenced a ‘Stage 2 hearing’ in Napier on 23 May 2022 to consider form of orders. • Notwithstanding commencement of the Stage 2 hearing, several parties have lodged appeals against High Court’s decision made in December 2021. • Decision can be found here: https://www.courtsofnz.govt.nz/assets/5-The-Courts/high-court/high-court-lists/marine-and-coastal-area-takutai-moana-act-2011-applications-for-recognition-orders/20211222-Re-Ngati-Pahauwera.pdf

Received	Proposal	Agency	Status	Current Situation
Various	Applications to Minister for Environment requesting approval to use COVID19 fast-track consenting processes for development proposals at several locations within Hastings District and Napier City.	MFE and Environmental Protection Authority. Various applicants	Various	<ul style="list-style-type: none"> • Status of fast-track consenting applications are as follows: <ul style="list-style-type: none"> ○ Maraekakaho quarry – applications lodged, Expert Consenting Panel appointed. ○ ‘Wairatahi’ project – applications lodged with EPA in September 2023. HBRC’s comments submitted in November. On 21 February, the Expert Consenting Panel issued its decision and granted consents for the 400+ site housing development project. ○ Riverbend project – Applications not lodged within statutory timeframes. Cannot proceed under COVID-19 Recovery (Fast-track Consenting) Act 2020. • Previously in 2023, the Minister had decided to: <ul style="list-style-type: none"> ○ APPROVE fast-track process be used for a gravel extraction/quarrying operation at Maraekakaho adjacent to State Highway 50. ○ APPROVE fast-track process be used for residential development proposal (known as ‘Wairatahi’) by Heretaunga Tamatea Settlement Trust for site at Stock Road and Dundee Drive, Flaxmere. • Fast-track consenting processes mean applications are to be lodged with the Environmental Protection Authority – not councils.