

## Meeting of the Hawke's Bay Regional Council Māori Committee

**Date:** 5 June 2024  
**Time:** 12.30pm  
**Venue:** Council Chamber  
Hawke's Bay Regional Council  
159 Dalton Street  
NAPIER

### Agenda

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Item	Title	Page
1.	Welcome/Karakia/Notices/Apologies	
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4.	Confirmation of Minutes of the Māori Committee held on 6 March 2024	
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<b>Information or Performance Monitoring</b>		
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7.	May 2024 Statutory Advocacy update	13
8.	Take Ripoata ā Takiwā – Taiwhenua representatives' updates	27
9.	HBRC Chair / CE verbal updates on current issues	
10.	Discussion of minor items not on the Agenda	

#### Parking

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

**Māori Committee**

**5 June 2024**

**Item 3**

**Subject: Alternate member appointments**

**Reason for Report**

1. The Māori Committee Terms of Reference makes allowance for short term replacements (alternates) to be appointed to the Committee where the usual member/s cannot attend.

**Recommendation**

That \_\_\_\_\_ be appointed as a member of the Māori Committee for the meeting of 5 June 2024 as a short term replacement on the Committee for \_\_\_\_\_.

**Authored by:**

**Leeanne Hooper**  
**Team Leader Governance**

**Approved by:**

**Desiree Cull**  
**Strategy & Governance Manager**



**Hawke’s Bay Regional Council**

**Māori Committee**

**5 June 2024**

**Subject: Call for minor items not on the Agenda**

**Reason for Report**

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

**Recommendations**

That the Māori Committee accepts the following *minor items not on the agenda* for discussion as item 11.

Topic	Raised by



**Subject: Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill**

**Reason for Report**

1. This item introduces the legislative change proposed to reverse changes made by the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 to align provisions for local government Māori constituencies to those for general constituencies and provides an opportunity for the Committee to discuss and provide feedback about potential next steps for the Committee in response to this proposal.

**Executive Summary**

2. On 4 April 2024 the Government announced that it would reinstate the ability for groups to petition Councils for binding polls on the establishment of Māori wards and constituencies. Effectively reversing changes made in 2021.
3. The Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill (the Bill) was introduced on 20 May 2024 with the intention that it will be passed by the end of July 2024.
4. The Bill is an omnibus Bill that amends the Local Electoral Act 2001, the Local Government Electoral Legislation Act 2023 and the Local Electoral Regulations 2001.
5. The proposed change to Māori wards/constituencies policies intends to reintroduce binding polls on whether to establish Māori wards or constituencies and to require councils (including, at this stage, Hawke's Bay Regional Council) who have established Māori wards or constituencies since 2020 to either hold a binding poll at the 2025 local election or to disestablish its Māori wards.
6. The policy proposals in the Bill also include adjusting the statutory timeframes for local elections to give more time for the postal delivery of voting papers.

**Background**

7. It is acknowledged that this Committee, and specific current and previous members of this Committee, have been involved in the establishment of Māori constituencies for Hawke's Bay Regional Council and throughout the region. This was a complex process containing a wide range of views and involved significant contributions from across the community.
8. In May 2021 Hawke's Bay Regional Council decided to adopt Māori Wards having received 1090 submissions with over 89.23% in support during consultation and having received unanimous support from the Māori Committee to do so. This had followed on from years of hui and engagement on this issue including decisions by the Council to not pursue Māori wards in 2017, and to hold a poll without taking a stance in 2020.
9. The Government has taken the position that the impact on existing Māori wards and constituencies as well as implications for Māori representation in local government more widely of this proposed change is unknown. However, the clear historical evidence is that poll provisions for Māori wards had previously been a largely insurmountable barrier in the pursuit of establishing Māori wards.

10. A briefing paper to the Minister from the Department of Internal Affairs noted concerns that provisions may raise issues of discrimination on the basis of ethnicity under the New Zealand Bill of Rights Act 1990. The Acting Attorney-General (Hon Paul Goldsmith) on 15 May 2024 provided advice noting that this change impacts those on the Māori roll rather than Māori as an ethnic group, and that what is proposed is differential treatment for Māori roll electors in comparison to general roll electors rather than on the basis of ethnicity. This advice acknowledges that there is a likely negative impact on Māori roll electors.
11. It is noted that the Waitangi Tribunal in its WAI 3365 report on its urgent inquiry into this issue has found that the Crown has failed in its duty of consultation with Māori during the policy process for this bill and that its primary recommendation is that the Bill be halted to allow proper consultation between the treaty partners.
12. The Council must perform the duties conferred on it by Government enactment but continues to have a legislative responsibility to involve Māori in local decision making and especially where Māori are specifically affected. The decision to adopt legislation is for the Crown, but decisions regarding advocacy on this issue, and the implementation and engagement with the community are in the domain of the Council.
13. It is acknowledged that tangata whenua and other Māori in Hawke's Bay and throughout regions affected by Cyclone Gabrielle are in a unique position both in terms of a capacity to engage with the Crown and in terms of the immediate significance of relationships and engagement with local government and the wider community. Of note, is that this consideration was not included in the WAI 3365 report or in publicly available information regard the development of the Bill.

## Discussion

14. If the Bill is adopted as proposed and the Council does not choose to disestablish Māori wards for the 2025 local elections this would mean that the Council would be required to hold a binding poll at the 2025 local elections.
15. Regardless of the outcome of that poll the current Māori wards arrangement would still be in effect at the next local election and Māori ward Councillors would still be included in the 2025-2028 term.
16. The proposed binding poll would provide for either a "yes" (to Māori wards) or a "no" (to Māori wards) option for electors from each roll at the next local election. A simple majority would be required for either option to win and these would mean:
  - 16.1. In the case of a 'Yes' vote: Māori wards would remain in place at least past the 2031 local elections.
  - 16.2. In the case of a 'No' vote: there would be no ability to have Māori wards in place for at least the 2028 and 2031 local elections.
17. The Department of Internal Affairs advises that the Council could avoid a poll at the 2025 election by deciding to disestablish Māori wards and transitional provisions enable the following two options:
  - 17.1. The council may be able to roll back to the previous representation arrangements prior to the implementation of Māori wards. This would mean that there would be no ability to have Māori wards for at least the 2025 and 2028 local elections and a representation review would be required in 2027-28.
  - 17.2. The council could undertake a shortened representation review to be completed by 23 December 2024 for a proposal excluding Māori wards. This would also mean there would be no ability to have Māori wards for at least the 2025 and 2028 local elections with a full representation review being required in 2030-31.



18. The option to not disestablish Māori wards is considered default and there would be no requirement to consult the wider community. The current representation arrangement was adopted by the Council after significant consultation and maintaining it is not a change.
19. Napier City Council and Central Hawke’s Bay District Council would be subject to a different process as they did not have Māori wards or constituencies at the previous election.
20. As the Bill progresses through the parliamentary process changes are likely. The Department of Internal Affairs advises councils that any decisions on the future of Māori wards are in their view premature at this stage.

### Next Steps

21. Advice and feedback on how to approach this issue with central government and what should be taken into consideration by the Council in advocating for a Hawke’s Bay perspective are welcomed.
22. Staff will update the Māori Committee on the progress of the Bill and any changes resultant from the parliamentary process.
23. The Māori Committee will be given the opportunity to make recommendations for any decisions regard Hawkes’s Bay Regional Council’s Māori wards at the 2025 local elections.

### Decision-making process

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

### Recommendation

That the Māori Committee receives and notes the *Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill* staff report.

### Authored by:

**Allison Doak**  
Governance Advisor

**Desiree Cull**  
Strategy & Governance Manager

### Approved by:

**Te Wairama Munro**  
Te Pou Whakarae

### Attachment/s

- 1 [↓](#) HBRC submission on Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill





29 May 2024

Committee Secretariat  
Justice Committee  
Parliament Buildings  
WELLINGTON

EMAIL: [ju@parliament.govt.nz](mailto:ju@parliament.govt.nz)

Tēnā koe

**SUBMISSION ON THE LOCAL GOVERNMENT (ELECTORAL LEGISLATION AND MĀORI WARDS AND MĀORI CONSTITUENCIES) AMENDMENT BILL**

1. Hawke's Bay Regional Council (HBRC), inclusive of its Māori Committee and Regional Planning Committee, thanks the Justice Committee for the opportunity to submit on the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill (the Bill). HBRC opposes the Bill in its current form.
2. In 2021 the Regional Council initiated extensive community engagement directly with the Hawke's Bay community on whether to establish Maori constituencies. This included targeted engagement with iwi, hapu and marae as affected parties and given its significance, a comprehensive region-wide consultation with our communities using the special consultative procedure under the Local Government Act 2002. More submissions were received on this topic than any long-term plan. A resounding 89.23% of the 1,090 submitters supported the establishment of Maori constituencies.
3. Following public consultation, HBRC voted unanimously to establish Māori constituencies. This was further consulted on as part of a Representation Review, during which the Council consulted on and subsequently agreed to establish two Māori constituencies – Māui ki te Raki and Māui ki te Tonga. Māori constituency councillors were elected for the first time at the local body elections on 8 October 2022.
4. To suggest that as a binding poll was not held, that this process was somehow inadequate undermines the process which council decision-making is made. The Regional Council's 2021 consultation process showed significant community support for Māori constituencies. Reinstating polls could negate this positive democratic engagement, where an overwhelming majority has already expressed approval through robust consultation processes.
5. The decision to establish Māori wards should remain at the discretion of local councils, who are best positioned to understand and respond to the unique needs and preferences of their communities, including iwi and hapū. The proposed Bill would undermine local decision making.
6. The Bill's proposal to require polls specifically for Māori wards imposes an inconsistent procedural standard not applied to other forms of representation. This undermines the principle of equitable treatment in governance and is fundamentally unfair.

Te whakapakari tahi i tō tātau **taiao**. Enhancing our **environment** together.

06 835 9200 | [info@hbrc.govt.nz](mailto:info@hbrc.govt.nz) | 159 Dalton Street, Napier 4110 | Private Bag 6006, Napier 4142

[hbrc.govt.nz](http://hbrc.govt.nz)

7. The Government acknowledges that the effects of reintroducing polls on existing Māori wards and the broader implications for Māori representation in local government are uncertain. However, historical evidence shows that polling requirements for Māori wards have posed a substantial barrier to their establishment. Reintroducing such polls could risk reverting to those barriers, potentially weakening the effectiveness of Māori representation in critical governance processes.
8. Māori wards are a direct expression of the principles of partnership and participation as outlined in Te Tiriti o Waitangi. Any legislative changes that could hinder the progress in these areas would be a step back from our commitment to these foundational principles.

**Recommendation:**

Hawke's Bay Regional Council strongly recommends maintaining the current legislative framework that supports council autonomy over the establishment of Māori wards and constituencies. This autonomy ensures that decisions are not only proximate to the communities they affect but are also deeply informed by meaningful engagement and consultation, thereby enhancing local democracy and effective Māori participation in governance.

If the Bill proceeds, Hawke's Bay Regional Council recommends that a poll not be required where Councils have previously carried out a special consultative process to establish Māori wards and constituencies.

Naku noa, nā



**Hinewai Ormsby**  
**Chair**

Phone: 06 835 9200  
Cell: 021 077 0088  
Email: [cr.hinewai.ormsby@hbrc.govt.nz](mailto:cr.hinewai.ormsby@hbrc.govt.nz)

**Subject: May 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 Māori Committee receives and notes the *May 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 [↓](#) May 2024 Statutory Advocacy update



**Statutory Advocacy Update (as at 24 May 2024)**

Note: updates since reporting for previous Māori Committee meeting (6 March 2024) are provided in green underlined text.

**Table 1: National Proposals**

Received	Proposal	Agency	Status	Current Situation
	<p><u>Resource Management Act Reform Programme</u>  Minister Responsible for RMA Reform (Hon Chris Bishop) has previously announced that the Government is approaching resource management reform in three phases. Phase one of the reform concluded with the repeal of the Natural and Built Environment Act and Spatial Planning Act in late December 2023, while phase two includes the introduction of the fast-track approvals regime, and some targeted changes to the existing RMA. Phase three will involve developing a long-term solution to replace the RMA. This year, two amendment bills are intended to be introduced.</p> <p>Proposed changes in the first RMA Amendment Bill will:</p> <ul style="list-style-type: none"> <li>• <u>make it clear that, while the National Policy Statement for Freshwater Management (NPS-FM) is being reviewed and replaced, consent applicants no longer need to demonstrate their proposed activities follow the Te Mana o te Wai hierarchy of obligations, as set out in the NPS-FM</u></li> <li>• <u>amend stock exclusion regulations in relation to sloped land</u></li> <li>• <u>repeal the permitted and restricted discretionary activity regulations for intensive winter grazing from the National Environmental Standards for Freshwater</u></li> <li>• <u>align the consenting pathway for coal mining with the pathway for other mining activities in the National Policy Statement for Indigenous Biodiversity (NPS-IB), NPS-FM, and the National Environmental Standards for Freshwater (NES-F)</u></li> <li>• <u>suspend the NPS-IB requirement for city and district councils to identify new significant natural areas for three</u></li> </ul>	Various	<u>Under preparation</u>	<p><u>On 23 May 2024, the Government’s latest piece of RMA reform-related legislation was introduced into Parliament. This is named as ‘the Resource Management (Freshwater and Other Matters) Amendment Bill.’ The objective of the Bill is stated as being “to reduce regulatory burden by making targeted amendments to the [RMA] and national direction.” This Bill will be sent to the Primary Production Select Committee. That Committee has not yet issued details of the submission period and deadline.</u></p> <p><u>[Beehive media release link]</u></p> <p><u>further amendment Bills are yet to be introduced.</u></p> <p><u>Senior staff from HBRC also provided feedback to assist in early shaping of the Regional Government’s positioning by Te Uru Kahika (collective of NZ’s regional councils and unitary authorities).</u></p>

Received	Proposal	Agency	Status	Current Situation
	<p>years. The newly introduced Bill also extends some SNA implementation timeframes to 31 December 2030, and</p> <ul style="list-style-type: none"> <li>• speed up the process to make or amend national direction, such as national policy statements, national environmental standards, national planning standards and the NZ Coastal Policy Statement.</li> </ul> <p>Specific details of the second tranche of RMA amendments are still being considered by Ministers. HBRC staff understand this second bill will:</p> <ul style="list-style-type: none"> <li>• enable housing growth for at least 30 years of supply, including making the Medium Density Residential Standards optional for councils and secondary units – ie granny flats</li> <li>• speed up consenting timeframes for renewable energy and wood processing</li> <li>• support the Government’s “Infrastructure for the Future” plan</li> <li>• amend national direction on highly productive land to allow more productive activities including housing - exclude LUC-3</li> <li>• introduce emergency response regulations to enable effective responses to emergencies and contribute to long-term recovery</li> <li>• Plus potentially other targeted amendments suggested by councils and other key stakeholders.</li> </ul> <p>Ministers have said that “in Phase three [of RMA Reforms], the Government intends to replace the RMA with new resource management legislation. This will be based on the enjoyment of property rights, while ensuring good environmental outcomes.”</p> <p><a href="#">Link to Cabinet paper (MFE website)</a>  <a href="#">Link to further information (MFE website)</a></p>			



Received	Proposal	Agency	Status	Current Situation
5 Sept 2023	<p><b>Select Committee Inquiry into Climate Adaptation</b></p> <p>The Environment Committee’s Inquiry into Climate Adaptation and funding <a href="#">was</a> 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. <a href="#">This inquiry has been superseded (refer below).</a></p> <p><a href="#">Link to discussion document</a></p>	MFE	<p><b>Environment Select Committee Inquiry closed.</b></p> <p><a href="#">Superseded by Climate Adaptation Framework Inquiry.</a></p>	<p>Submissions to the Environment Select Committee Inquiry (initiated by the Labour-led Government) closed on 1 November 2023.</p> <p>A joint submission was lodged by the Clifton to Tangoio Coastal Hazards Strategy 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><a href="#">This Inquiry has been superseded by the recently announced inquiry by Parliament’s Finance and Expenditure Select Committee into a Climate Change Adaptation Framework (refer below).</a></p>

Received	Proposal	Agency	Status	Current Situation
10 May 2024	<p><b>Climate Change Adaptation Framework</b></p> <p>The Government is developing an adaptation framework to strengthen how New Zealand prepares for the effects of climate change. Parliament's Finance and Expenditure Committee is conducting an inquiry to develop and recommend objectives and principles for the design of the adaptation framework. MFE's website describes the work to:</p> <ul style="list-style-type: none"> <li>• <i>Minimise the long-term costs to New Zealand of adapting to the impacts of natural events.</i></li> <li>• <i>Provide certainty for property owners and ensure any support is predictable, principled and fair. This includes clarity about the Government's response and the roles of insurers, local government and other groups.</i></li> <li>• <i>Improve the sharing of information so that everyone – individuals, communities, councils and industries – can make informed decisions.</i></li> <li>• <i>Contribute to maintaining efficient housing and insurance markets.</i></li> <li>• <i>Ensure people have the ability and incentive to make decisions to reduce their risk where they can.</i></li> </ul> <p><i>The framework will focus on the areas where people live and work. This includes both existing and future development, and the infrastructure which serves these places.</i></p> <p><a href="#">Link to further information about the Climate Change Adaptation Framework (MFE Website)</a></p>	<p><b>MFE &amp; Minister of Climate Change, Hon Simon Watts</b></p>	<p><b>Open for submissions, Submissions close 16 June 2024.</b></p>	<p>Public submissions made to the Environment Committee's previous inquiry will be considered as part of this new inquiry. Previous submitters will have an opportunity to add to their submissions on the earlier inquiry. There will be an opportunity for new submissions too.</p> <p>On 23<sup>rd</sup> May, the Finance and Expenditure Committee issued an invitation for new and additional public submissions. Submissions are due by 11.59pm Sunday 16<sup>th</sup> June.</p> <p>Any legislation required to support the framework is expected to be introduced in early 2025.</p>

Received	Proposal	Agency	Status	Current Situation																		
14 March 2024	<p><b>Fast-track Approvals Bill 2024</b></p> <p>The Fast-track Approvals Bill is an omnibus bill. It would enable a fast-track decision-making process for infrastructure and development projects that are considered to have significant regional or national benefits. The bill would establish a separate process for several approvals under different legislation including:</p> <ul style="list-style-type: none"> <li>• <a href="#">resource consents, notices of requirement, and certificates of compliance (Resource Management Act 1991)</a></li> <li>• <a href="#">concessions (Conservation Act 1987)</a></li> <li>• <a href="#">authority to do anything otherwise prohibited under the Wildlife Act 1953</a></li> <li>• <a href="#">archaeological authority (Heritage New Zealand Pouhere Taonga Act 2014)</a></li> <li>• <a href="#">marine consents (Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012)</a></li> <li>• <a href="#">land access (Crown Minerals Act 1991)</a></li> <li>• <a href="#">aquaculture activity approvals (Fisheries Act 1996)</a>.</li> </ul> <p><a href="#">Link to Fast-track Approvals Bill</a>  <a href="#">Link to further information about the Fast-Track Approvals Bill (MFE Website)</a></p>	Environment Select Committee process	Submissions closed 19 April 2024. Select Committee hearing in progress.	<p>A submission was lodged on behalf of the Regional Planning Committee.</p> <p>A submission was also lodged on behalf of the Clifton to Tangoio Coastal Hazards Joint Committee.</p> <p>Both submissions can be viewed at <a href="http://www.hbrc.govt.nz">www.hbrc.govt.nz</a> (keyword #hbrcsubmissions)</p> <p>Almost 27,000 submissions on the Bill were received from individuals and organisations. The Environment Select Committee has agreed to form two subcommittees of between four and five members each to make sure it can hear from as many submitters as practicable over the May-June period.</p>																		
Various	<p><b>Orders in Council under Severe Weather Emergency Recovery Legislation Act 2023 ('SWERLA')</b></p> <p>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><a href="#">weblink</a></td> </tr> <tr> <td>Local Government Act amendments</td> <td>In effect</td> <td><a href="#">weblink</a></td> </tr> <tr> <td>Climate Change – Forestry</td> <td>In effect</td> <td><a href="#">weblink</a></td> </tr> <tr> <td>Income Tax Accommodation Expenditure for North Island Flooding Events</td> <td>In effect</td> <td><a href="#">weblink</a></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><a href="#">weblink</a></td> </tr> </tbody> </table>	What	Status		Hastings District Rating Valuations	In effect	<a href="#">weblink</a>	Local Government Act amendments	In effect	<a href="#">weblink</a>	Climate Change – Forestry	In effect	<a href="#">weblink</a>	Income Tax Accommodation Expenditure for North Island Flooding Events	In effect	<a href="#">weblink</a>	Outdoor burning of cyclone waste on rural land that would otherwise be prohibited under rules or national regs	Expired	<a href="#">weblink</a>
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				Waste Minimisation Act	In effect	<a href="#">weblink</a>
				Waste management for landfills and temporary waste sorting facilities	In effect	<a href="#">weblink</a>
				Temporary accommodation under RMA	In effect	<a href="#">weblink</a>
				Waka Kotahi repair works under RMA	In effect	<a href="#">weblink</a>
				KiwiRail repair works under RMA	In effect	<a href="#">weblink</a>
				Extend statutory timeframe for Gisborne DC and HBRC to take enforcement/prosecution action (from 12 months to 24 months) under RMA	In effect	<a href="#">weblink</a>
				Extend timeframe for water permit replacement applications in the TANK catchment area	In effect	<a href="#">weblink</a>
				Provide additional time to comply with the following national direction timeframes: <ul style="list-style-type: none"> <li>- NPS for Freshwater Management timeframe to notify freshwater planning instruments in Gisborne and Hawke’s Bay</li> <li>- National Stock Exclusion Regulation timeframes to exclude stock from waterways in Gisborne and Hawke’s Bay</li> <li>- National Planning Standards implementation timeframes for Hastings District Council</li> </ul>	In effect	<a href="#">weblink</a>
				Faster RMA plan changes enabling permanent housing and papakāinga	In effect	<a href="#">weblink</a>

Received	Proposal	Agency	Status	Current Situation						
				<table border="1"> <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><a href="#">weblink</a></td> </tr> <tr> <td><a href="#">HBRC to undertake flood mitigation works at specific locations</a></td> <td>Expected in effect late May 2024</td> <td><a href="#">weblink</a></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 <a href="http://www.hbrc.govt.nz">www.hbrc.govt.nz</a> (keyword #hbrcsubmissions).</p>	Replace the 2024 Long Term Plan with a three-year plan under LGA and no requirement for LTP audit	In effect	<a href="#">weblink</a>	<a href="#">HBRC to undertake flood mitigation works at specific locations</a>	Expected in effect late May 2024	<a href="#">weblink</a>
Replace the 2024 Long Term Plan with a three-year plan under LGA and no requirement for LTP audit	In effect	<a href="#">weblink</a>								
<a href="#">HBRC to undertake flood mitigation works at specific locations</a>	Expected in effect late May 2024	<a href="#">weblink</a>								
7 July 2023	<p><b>Exploring a biodiversity credit system for NZ</b>  <a href="https://consult.environment.govt.nz/biodiversity/nz-biodiversity-credit-system/">https://consult.environment.govt.nz/biodiversity/nz-biodiversity-credit-system/</a></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"> <li>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 <a href="#">HBRC Submissions</a>.</li> </ul>						

Received	Proposal	Agency	Status	Current Situation
5 Sept 2023	<p><b>Proposed amendments to National Policy Statement for Highly Productive Land (NPS-HPL)</b> <a href="#">[Link to proposal]</a></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"> <li>• 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</li> <li>• development and relocation of intensive indoor primary production and greenhouses on HPL.</li> </ul>	MFE & MPI	<p>Submissions closed 31 Oct 2023</p>	<ul style="list-style-type: none"> <li>• Preliminary review of discussion document proposals by HBRC staff concluded submission from HBRC is not a high priority.</li> <li>• Decisions from the new Government are pending on next steps for the proposed amendments.</li> <li>• <a href="#">No further update yet, but Ministers have made announcements (in early 2024) foreshadowing intention proposing LUC3 land to be excluded from 'Highly Productive Land' meaning.</a></li> </ul>
18 Sept 2023	<p><b>Proposed National Policy Statement for Natural Hazard Decision-making (NPS-NHD)</b></p> <p>The previous Labour-led 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><a href="#">Link to proposal and associated publications</a></p>	MFE	<p>Submissions closed 20 Nov 2023. Next steps pending.</p>	<ul style="list-style-type: none"> <li>• 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).</li> <li>• The new Government is yet to publicly announce any intentions or decisions in relation to the NPS-NHD proposals.</li> <li>• <a href="#">No further update yet as Ministers are still considering advice and briefings from officials before making further decisions. In meantime, Minister Watts has made announcements about the Climate Adaptation Inquiry (refer above).</a></li> </ul>

**Table 2: Territorial Local Authority Proposals**

Received	TLA	Proposal	Applicant/ Agency	Status	Current Situation
24 Feb 2024	HDC	<p><b>Proposed Plan Change 6 – Category 3 Lifestyle subdivision provisions for displaced owners</b></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	Publicly notified. <a href="#">Hearing scheduled for 5 June.</a>	<ul style="list-style-type: none"> <li><a href="#">Submission lodged. A copy of HBRC's submission can be found at <a href="#">HBRC Submissions.</a></a></li> </ul>
21 Sept 2023	NCC	<p><b>Napier Proposed District Plan Review</b></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	Publicly notified. <a href="#">Further submissions period closes 20 May 2024</a>	<ul style="list-style-type: none"> <li><a href="#">Further submission lodged.</a> Previously, HBRC's submission was lodged. Staff provided comments on proposed district plan topics that supported, opposed, or wished to amend proposed provisions. A copy of HBRC's submissions can be found at <a href="#">HBRC Submissions.</a></li> <li>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.</li> </ul>

Table 3: Other Proposals

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"> <li>Status of fast-track consenting applications are as follows:                             <ul style="list-style-type: none"> <li><a href="#">Maraekakaho quarry</a> – applications lodged. Expert Consenting Panel appointed. <a href="#">Applicant had previously requested that the Panel pause processing of applications until further notice. On 23 May 2024, the Panel resumed processing of the modified applications. The Panel has until 21 June to issue its final decision, unless the Panel decides to extend the date for releasing its decision by a further 25 days. There is no hearing. HBRC’s written submission will be considered, but there is no hearing for HBRC to appear/present.</a></li> <li><a href="#">‘Wairatahi’ project</a> – On 21 February 2024, the Expert Consenting Panel issued its <a href="#">decision</a> and granted consents for the 400+ site housing development project.</li> </ul> </li> <li>Fast-track consenting processes mean applications are to be lodged with the Environmental Protection Authority – not councils.</li> </ul>
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"> <li>The Environment Court’s interim report (issued 4 Nov 2022) is online.<sup>1</sup> The Court has directed some parties to do further work prior to the Court issuing a final report.</li> <li>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.</li> </ul>

<sup>1</sup> <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	<p><b>Marine and Coastal Area (Takutai Moana) Act 2011 (MACAA)</b></p> <p><u>Recent Court of Appeal and Waitangi Tribunal Report that will likely have influence on current applications:</u></p> <ul style="list-style-type: none"> <li>• <u>Court of Appeal decision in re Edwards shifted the burden of proof for substantial interruption (s.58(1) MACAA) from the Applicant Group to the Attorney-General and third-party submitters.</u></li> <li>• <u>Waitangi Tribunal’s MACAA Stage Two Report has also been particularly critical of the ‘without substantial interruption’ test.</u></li> </ul>	<p><b>Applicants:</b>                      Ngāti Pāhauwera Development Trust, Maungaharuru Tangitū Trust, Ngai Tāhū O Mohaka Waikare, Ngati Parau Hapu (Waiohiki Marae Board of Trustees)</p> <p><u>Rongomaiwahine Iwi Trust, Ngāi Tamanuhiri Iwi, Ngāti Kurupakiaka and Te Ruahina Marae</u></p>	<p><u>‘Group M Stage 1 B’ hearing scheduled 12 February 2024</u></p> <p><u>‘Gisborne CMC’ hearing scheduled 31 July 2024</u></p>	<ul style="list-style-type: none"> <li>• <u>Applications under Ngāti Pāhauwera Development Trust, Maungaharuru Tangitū Trust, Ngai Tāhū O Mohaka Waikare, Ngati Parau Hapu (Waiohiki Marae Board of Trustees) have completed Stage 2 High Court hearings and are now in a procedural stage:</u> <ul style="list-style-type: none"> <li>○ <u>Ngāti Pāhauwera have filed a joint memorandum, last revised 9 June 2023, which the High Court has accepted pursuant to final maps reflecting the changes.</u></li> <li>○ <u>The High Court has directed MTT to amend maps and draft CMT to reflect earlier Court decisions &amp; clarify the relationship with Ngāi Tahu.</u></li> <li>○ <u>Ngāti Pārau also required to amend map and CMT orders.</u></li> <li>○ <u>The High Court has clarified that finalised maps do not have to be provided until the Surveyor-General has provided final guidelines.</u></li> </ul> </li> <li>• <u>Rongomaiwahine Iwi Trust and Ngāi Tamanuhiri Iwi are pursuing application through direct Crown engagement. Currently engaging with overlapping applicants in Crown and High Court pathways.</u></li> <li>• <u>Ngāti Kurupakiaka and Te Ruahina Marae are engaging together due to overlapping boundaries.</u></li> <li>• <u>Applications south of Hawke’s Bay (Group M Stage 1) are in hearing. HBRC participation is limited to comments on draft orders, this process is expected to take place in late 2024.</u></li> </ul>



**Subject: Take Ripoata ā Takiwā – Taiwhenua representatives' updates**

**Reason for report**

1. This item provides the opportunity for representatives of the four Taiwhenua (Te Whanganui-a-Orotū, Tamatea, Wairoa/Kahungunu Executive and Heretaunga) to table current issues of interest in their rohe for discussion.

**Decision-making process**

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

**Recommendation**

That the Māori Committee receives and notes the *Take ripoata ā takiwā – Taiwhenua representatives' updates*.

**Authored by:**

**Allison Doak**  
**Governance Advisor**

**Approved by:**

**Te Wairama Munro**  
**Te Pou Whakarae**

**Attachment/s**

There are no attachments for this report.