

## Meeting of the Regional Planning Committee

**Date:** 18 September 2024  
**Time:** 11.30am  
**Venue:** Council Chamber  
Hawke's Bay Regional Council  
159 Dalton Street  
NAPIER

## Agenda

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1.	Welcome/ Karakia/ Housekeeping/ Apologies	
2.	Conflict of Interest Declaration	
3.	Confirmation of Minutes of the Regional Planning Committee meeting held on 13 March 2024	
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## 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 (Deputy Co-chair)	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
Jenny Nelson-Smith	Tamatea Pōkai Whenua
Theresa Thornton	Ngati Pahauwera Development & Tiaki Trusts
Hinewai Ormsby (Co-chair)	Hawke's Bay Regional Council
Thompson Hokianga (Deputy Co-chair)	Hawke's Bay Regional Council
Will Foley	Hawke's Bay Regional Council
Xan Harding	Hawke's Bay Regional Council
Charles Lambert	Hawke's Bay Regional Council
Jock Mackintosh	Hawke's Bay Regional Council
Di Roadley	Hawke's Bay Regional Council
Martin Williams	Hawke's Bay Regional Council
Jerf van Beek	Hawke's Bay Regional Council

Total number of members = 18

### Quorum and Voting Entitlements Under the Current Terms of Reference

#### Quorum (clause (i))

The Quorum for the Regional Planning Committee is 75% of the members of the Committee

At the present time, the quorum is 14 members (physically present in the room).

#### Voting Entitlement (clause (j))

Best endeavours will be made to achieve decisions on a consensus basis, or failing consensus, the agreement of 80% of the Committee members present and voting will be required. Where voting is required all members of the Committee have full speaking rights and voting entitlements.

Number of Committee members present

18  
17  
16  
15  
14

Number required for 80% support

14  
14  
13  
12  
11

**Subject: Kotahi Update**

**Reason for report**

1. This report seeks endorsement on the proposed way of working between the HBRC Policy Team and PSGE Taiao staff on Kotahi, a request for an identity and name for the proposed practitioners' group, and endorsement on an associated draft timeline.

**Executive summary**

2. This paper has been co-authored by Dianne Smith (General Manager Te Mātai Ao, Tamatea Pōkai Whenua), Heather Bossleman (Resource Management Technician, Tamatea Pōkai Whenua) and Nichola Nicholson (Policy Manager HBRC). The content has also been informed following hui and input from staff members from Tātau Tātau o Te Wairoa, Ngāti Pāhauwera, Hineuru Iwi Trust, Maungaharuru-Tangitū Trust, and Mana Ahuriri Trust. Tūwharetoa Māori Trust Board and Ngāti Ruapani mai Waikaremoana have also been invited.
3. This paper seeks a decision on the included recommendations endorsing a model of working together between the HBRC Policy Team and PSGE Taiao Staff on the development of Kotahi.

**Background**

4. At the Regional Planning Committee meeting in March, the Committee supported the request from HBRC Policy staff and PSGE Taiao practitioners to collaborate on a way of working together to progress the Kotahi plan. This paper outlines that proposal and is made up of:
  - 4.1. Way of working together – Practitioners Group
  - 4.2. Selection of a concept for the group's name and identity
  - 4.3. Proposed timeline.

**Discussion**

**Way of working together**

5. From the very beginning of the Kotahi project, it was acknowledged that the contribution to the plan from PSGEs would need to be undertaken in a way that recognised its uniqueness and preserved its integrity. At the time this was conceptualized at a high level through raranga (weaving) or the lashing together of a waka hourua (double-hulled waka). However, the practicalities of such a process were not worked through. As work has continued to progress the question of how this work will be undertaken has come into sharper focus.
6. Following the last RPC workshop the HBRC Policy team and Taiao staff of Tātau Tātau o Te Wairoa, Ngāti Pāhauwera, Hineuru Iwi Trust, Maungaharuru-Tangitū Trust, Mana Ahuriri Trust and Tamatea Pōkai Whenua have met and discussed the best way of working together. Key issues raised were, time constraints, resourcing, upskilling, transparency, and accountability. Counter to these issues was a genuine desire to see the strengthening of partnership, collaboration, the sharing of knowledge, and the building of enduring relationships.
7. As a result, the group proposes that:
  - 7.1. The group continues to meet and is formalised. The group is made up of staff from the HBRC Policy and Planning team and Taiao Staff from each of the PSGEs who hold membership on the RPC and wish to be involved.

- 7.2. The purpose of this group would be to work together on the development of RMA planning documents including the Kotahi plan ensuring that genuine partnerships and collaboration with mana whenua occurs. The intention is that mana whenua voices, perspectives, and aspirations are integrated into the decision-making processes and project outcomes through co-drafting. Key also to the purpose of this group would be to jointly inform our shared governors on the RPC through decision papers and workshops.
- 7.3. The group would meet twice monthly. The first meeting would be an informal online hui to discuss what each group is working on, raise issues, and seek and provide support. The second meeting would be an in-person hui hosted at the different members offices to discuss issues and options more fully.
- 7.4. To support the work undertaken by the group, the HBRC Policy team also welcomes any of the PSGE Taiao staff that would like to spend time working from the HBRC office to support collaboration and the continued development of relationships.

### **Selection of a concept for the group's name and identity**

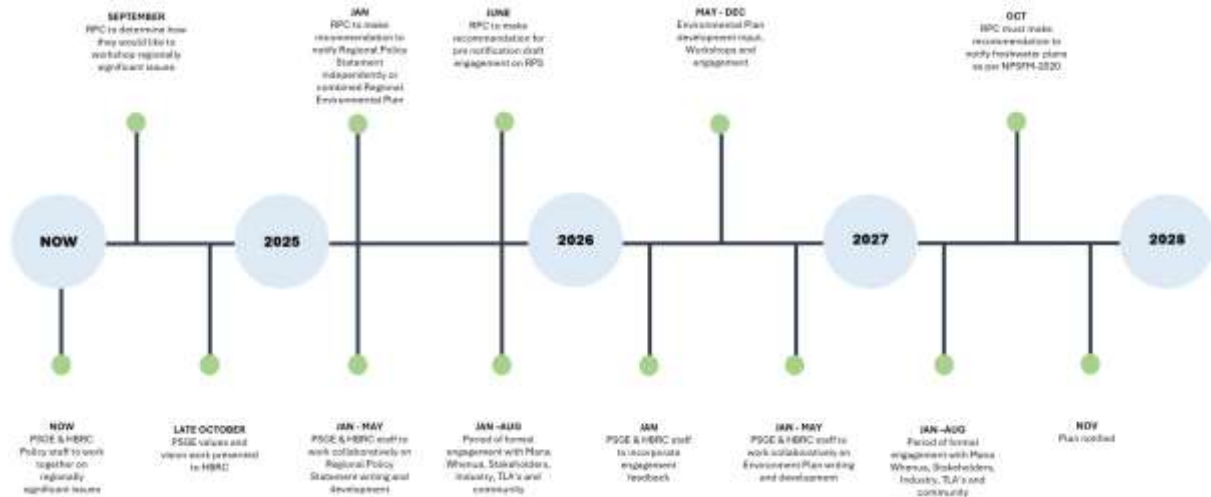
8. While developing a shared way of working there evolved a desire to create an identity to explain the group and its purpose. Different ideas were shared and discussed by the PSGE Taiao staff, the HBRC Māori Partnerships team, and the HBRC Policy team. All options drew on the concept of coming together and working towards a shared outcome while still recognising the importance of maintaining the mana motuhake and rangatiratanga of the individual authorities. The following three options were discussed as being possible concepts that would provide the framework for the group's identity and possible name:
  - 8.1. Whakamata Korowai – First line of weaving
  - 8.2. A beautiful metaphor that emphasises foundational work and the importance of initial steps in a broader context. It suggests care, precision, and interconnectedness. It also speaks to the principles of collaboration, unity, and community, whilst also recognising the importance of the individual threads to the weaving of the whole. This concept also conveys the idea of laying a strong and foundational basis for future growth and development.
  - 8.3. Te Ra Kei o te Waka – Sail of a vessel
  - 8.4. This concept conveys forward movement and progress, symbolising the driving force behind the group's shared initiatives and goals. It suggests direction, purpose, and a need to work collaboratively. The navigational aspect of this concept recognises the clear communication and trust required amongst crew. This speaks to the theme of collectivity and self-determination. It also acknowledges the needs to adapt to changing conditions.
  - 8.5. Ki te Matau – To the hook
  - 8.6. This phrase is strong dynamic, implying action and purpose. It is a rallying cry, urging people to contribute to the collective action. Just as paddling requires synchronised effort this concept highlights the need for unity and teamwork. Given its relevancy to Hawke's Bay and the symbolism of Te Matau a Maui it could be very fitting.
9. Both Whakamata Korowai and Te Ra Kei o te Waka have an element of weaving to them which represents the careful and precise intertwining of individual and unique strands symbolising the coming together of people, ideas, and efforts to achieve a common goal. While the synchronised nature of paddling a waka acknowledges individuals input into a collective effort.
10. All of the concepts appealed to the group in different ways, with the symbolism attached to each speaking to the ideas of collaboration, unity, and teamwork. However, the Te Ra Kei o te Waka, and Ki te Matau concepts resonated specifically within the Te Matau a Maui rohe.
11. The intention of selecting a concept around which to centre this work is twofold. Firstly, to provide a name for the group which clearly identifies the group and its purpose and secondly to outline a way of working together. If desired, further conversation or development of these

concepts would be welcome at the RPC meeting from the RPC members.

12. It would also be appreciated to have a tohu image gifted from tangata whenua to help with communication from the group and provide clarity, conveying a deeper meaning in the name that is not captured by the name kupu. It would also act as an immediate visual cue for the group.

**Proposed timeline**

13. The image below outlines the associated proposed timeline for the work involved in the development and notification of both the Regional Policy Statement and Regional Resource Management Plan. These are indicative times and are subject to changes to the RMA and related legislation by central government.



**Decision-making considerations**

14. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
  - 14.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
  - 14.2. The use of the special consultative procedure is not prescribed by legislation.
  - 14.3. The decision is not significant under the criteria contained in Council’s adopted Significance and Engagement Policy.
  - 14.4. There are no persons directly affected by this decision.
  - 14.5. Given the nature and significance of the issue to be considered and decided, and also the persons likely to have an interest in the decisions made, the Committee can exercise its discretion and make a decision without consulting with the community or others having an interest in the decision.

**Recommendations**

That the Regional Planning Committee:

1. Receives and notes the *Kotahi update* staff report.
2. Approves the proposed way of working together between Post Settlement Governance Entities’ Taiao staff and HBRC Policy Staff.
3. Approves the proposed timeline (Fig. 1).

4. Selects one of the following concepts or a suitable alternative put forward by the committee, to use for naming the practitioners group and to develop a set of working principles.
  - 4.1. Whakamata Korowai – First line of weaving
  - 4.2. Te Ra Kei o te Waka – Sail of a vessel
  - 4.3. Ki te Matau – To the hook
  - 4.4. \_\_\_\_\_

**Authored by:**

**Nichola Nicholson**  
**Acting Manager Policy & Planning**

**Approved by:**

**Katrina Brunton**  
**Group Manager Policy & Regulation**

**Attachment/s**

There are no attachments for this report.

**Subject: Regional Policy Statement issues and options development**

**Reason for report**

1. This report requests a decision and direction from the RPC members as to how they would like to be engaged in the next part of the Kotahi Plan development.

**Executive summary**

2. The next stage of phase one for Kotahi Plan development is the testing of options to address regionally significant issues. This involves reviewing the issues that were previously identified by the RPC and testing different options for how to deal with them. This is an important stage as it provides direction for policy development for the Regional Policy Statement (RPS).

**Background**

3. In order to do this work, the Policy and Planning team will engage with the RPC to understand the direction that they wish to take to inform policy. In the past this work has been done through staff led workshops.
4. It is anticipated that there would need to be sessions held on:
  - 4.1. Air
  - 4.2. Coastal
  - 4.3. Land and Freshwater
  - 4.4. Climate Change
  - 4.5. Indigenous Biodiversity and Ecosystems
  - 4.6. Integrated Management
  - 4.7. Energy, Infrastructure and Transport
  - 4.8. Hazards and Risks
  - 4.9. Tangata Whenua
  - 4.10. Urban Form and Development.
5. To meet timeframes associated with this project, these workshops would need to be undertaken by March 2025. It is important to note that this will not be the only time to provide feedback on policy. The worked-up draft policy will be brought back to RPC mid-2025.
6. There is also an opportunity to include the taiao staff from the relevant PSGEs to participate in these sessions to input and support discussions.

**Discussion**

7. Staff are keen to understand how RPC members would like this process to be undertaken. Feedback on the following is sought:
  - 7.1. How would the sessions best be run i.e. workshop style, topics to be discussed one by one, or combined?
  - 7.2. How much time would you like to allocate to this work, and is there any priority for the

topics listed above?

- 7.3. How and when would you like the supporting information presented to the committee, i.e. would having a copy of the presentation prior to the workshop be helpful? Are slides enough or would a more thorough briefing paper be preferred?
- 7.4. Are there any other resources that would help support this work?

### Next steps

8. It is proposed that following discussion of the above points, staff will develop a programme of work for RPC engagement on issues and options for approval at the next RPC meeting in December.

### Decision-making considerations

9. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
  - 9.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
  - 9.2. The use of the special consultative procedure is not prescribed by legislation.
  - 9.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
  - 9.4. There are no persons directly affected by this decision.
  - 9.5. Given the nature and significance of the issue to be considered and decided, and also the persons likely to have an interest in the decisions made, the Committee can exercise its discretion and make a decision without consulting with the community or others having an interest in the decision.

### Recommendation

That the Regional Planning Committee:

1. Receives and notes the *Regional Policy Statement issues and options development* staff report.
  2. Requests that staff develop a programme of work to engage with the Committee members on issues and options for the development of the Kotahi Plan through:
    - 2.1. A series of workshops
    - Or
    - 2.2. \_\_\_\_\_
- and
- 2.3. Discussing each of the ten topics in no particular order
  - Or
  - 2.4. Discussing each of the ten topics in the following priority order:
    - 2.4.1. Air
    - 2.4.2. Coastal
    - 2.4.3. Land and Freshwater
    - 2.4.4. Climate Change
    - 2.4.5. Indigenous Biodiversity and Ecosystems



- 2.4.6. Integrated Management
- 2.4.7. Energy, Infrastructure and Transport
- 2.4.8. Hazards and Risks
- 2.4.9. Tangata Whenua
- 2.4.10. Urban Form and Development.

**Authored by:**

**Nichola Nicholson**  
**Acting Manager Policy & Planning**

**Approved by:**

**Katrina Brunton**  
**Group Manager Policy & Regulation**

**Attachment/s**

There are no attachments for this report.



**Subject: TANK update**

**Reason for report**

1. This paper provides an update to the RPC on Plan Change 9 (PPC9) – TANK, as requested by members.

**Executive summary**

2. The Tūtaekurī, Ahuriri, Ngaruroro and Karamū (TANK) Plan Change is currently under appeal, with mediation directed by the Environment Court in the first instance to try resolve and reduce the overall number of appeals.
3. Mediation is anticipated to conclude in February 2024, with an Environment Court hearing to follow accordingly (no dates set).

**Background**

4. PPC9 proposes amendments to the Regional Resource Management Plan (RRMP) to manage water quality and quantity for the Tūtaekurī, Ahuriri, Ngaruroro and Karamū (TANK) catchments.
5. It was notified on 2 May 2020 and received over 6,000 submission points from 240 parties. These submission points were heard by an Independent Hearing Panel and a decision was issued 9 September 2022. Following this there were appeals on the decision from 16 parties and the Environment Court directed that these appeals be discussed in mediation to try and resolve any issues where possible.
6. A critical provision of PPC9, is the allocation methodology termed 'actual and reasonable use' which sets out an approach to review how much water each applicant can be allocated and seeks to 'claw back' water that has previously been allocated to consent holders, but unused.
7. The RRMP rules remain operative, but the PPC9 rules have legal effect and must also be applied in decision making. PPC9 objectives and policies are also relevant.
8. Since notification over 800 replacement resource consent applications have been made in the TANK catchments with another 200 applications expected soon. The processing of these consents was paused at the request of consent applicants.

**Discussion**

9. Mediation began in December 2023 and 25 were set down through to December 2024. All mediation undertaken is on a confidential and without prejudice basis, with any mediated agreements reported back to the court.
10. During this time Council officers began considering the replacement resource consent applications and informed applicants of their estimated 'actual and reasonable use' amounts. Applicants were informed that, if they disagreed with the 'actual and reasonable use' amount they would need to provide supporting information as to why they were requesting more water by Sep 2024.
11. The topic of actual and reasonable was mediated earlier this year with no agreement reached, however there was a broad desire to explore additional mediation dates on this topic. The Court has now granted three additional days for further mediation on actual and reasonable to

be heard in December 2024.

12. The deadline for consent holders has now been extended to December 2024.
13. Mediation will now continue into 2025 and is anticipated to conclude in February 2025.

#### **Next steps**

14. Staff will continue to update RPC as mediation and subsequent court hearing progress.

#### **Decision-making considerations**

15. 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 *TANK update* staff report.

#### **Authored by:**

**Sarah Wynands**  
Intermediate Policy Planner

**Nichola Nicholson**  
Acting Manager Policy & Planning

#### **Approved by:**

**Katrina Brunton**  
Group Manager Policy & Regulation

#### **Attachment/s**

There are no attachments for this report.

**Subject: PSGE engagement update**

**Reason for report**

1. This item updates the Regional Planning Committee (RPC) on engagement with Post Settlement Governance Entities (PSGE) on the Kotahi plan.

**Executive summary**

2. Under the National Policy Statement for Freshwater Management 2020 (NPS-FM) Council is required to identify long-term visions and values for freshwater in the region. These visions and values for freshwater must be developed through engagement with tangata whenua.
3. As part of this engagement contracts have been signed with PSGEs to articulate their long-term visions and values for freshwater. These expressions will help inform the development of the Land and Freshwater, and Catchment chapters of the Kotahi plan.
4. Contract deliverables with PSGEs are at varying stages due to differences in timeframes and commencement dates. All current contracts are on track to provide expressions of long-term visions and values for freshwater within the desired timeframe.

**Background**

5. In early 2024, the RPC gave direction to establish contracts with PSGEs that sit on the RPC. These contracts were to provide Council with expressions of Māori freshwater values and aspirations to help inform the development of the Kotahi plan. Written expressions of Māori freshwater values and aspirations will provide a framework for values that need to be restored, protected, or enhanced.
6. The Policy and Planning team alongside Māori Partnerships approached PSGE representatives to establish contracts and offer support for the delivery of freshwater visions and values for their area of interest. Once articulated, long-term visions and values for freshwater would then be integrated into the Kotahi plan using an agreed process worked through collectively with PSGE taiao staff.
7. Currently three PSGEs have signed contracts: Mana Ahuriri Trust, Tātau Tātau o te Wairoa, and Tamatea Pōkai whenua. Ngāti Pāhauwera Development Trust had previously signed a contract to for the delivery of the Māori led workstream for the Mohaka plan change on behalf of themselves, Hineuru Iwi Trust, and Ngāti Tūwharetoa. The original contract has since been varied to align with the Kotahi plan. Contract negotiations with Maungaharuru-Tangitū Trust are underway. Ngāti Ruapani mai Waikaremoana has been contacted to understand the extent to which they wish to be involved in this process.
8. Regular progress updates have been scheduled throughout the duration of the contracts. These updates include milestone reports that are provided to HBRC's Policy and Planning staff summarising contract status and work to date.
9. PSGEs are expected to collaborate with hapū, marae, and taiwhenua within their rohe when undertaking this kaupapa.
10. It is intended that values compiled by PSGEs they will inform Freshwater Management Units (FMUs). Any other information on environmental issues identified, other than freshwater, may be used with agreement by both PSGEs and Council to inform the Kotahi plan.

## Discussion.

11. PSGE engagement contracts are summarised in the table below:

	PSGE	Comments	Deliverables	Status
1	Mana Ahuriri Trust	Project is close to completion; draft version has been prepared and is awaiting final approval	Final milestone report and completed deliverables to be provided in September	
2	Tātau Tātau o te Wairoa	Project is overall on track; project team expects to complete the project workplan and deliverables on time and within budget. The main focus recently has been on the planning and delivery of wānanga-ā-kāhui and the collation of information	Next milestone report to be provided in late November	
3	Tamatea Pōkai Whenua	Project is overall on track; the main focus recently has been wānanga with marae, Taiwhenua, and hapū representatives, and revisiting values	Final milestone report and completed deliverables to be provided in September	
4	Maungaharuru-Tangitū Trust	Contract negotiations are underway		○
5	Ngāti Pāhauwera Development Trust	Project is overall on track; Iwi and hapū engagement had occurred prior to contract variation. drafting of objectives, Te Mana o te Wai statements, visions and values is underway and ongoing	Next milestone report to be provided in September, and final deliverable in October	
6	Hineuru Iwi Trust			
7	Ngāti Tūwharetoa			
8	Ngāti Ruapani mai Waikaremoana	Contact has been made to understand the extent to which they wish to be involved in this process		○

## Next steps

12. Council Policy and Planning staff will continue to work collaboratively with PSGE taiao staff to develop a pathway forward. This will ensure once contract deliverables are completed that Māori freshwater values and long-term visions will be integrated into the Kotahi plan using a robust process that upholds the mana of PSGE expressions.
13. Where contracts are currently not in place, Council staff will continue to progress those discussions.

## Decision-making considerations

14. 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 *PSGE engagement update* staff report.

**Authored by:**

**Saul Gudsell  
Policy Planner**

**Bianca Burns  
Policy Planner**

**Approved by:**

**Katrina Brunton  
Group Manager Policy & Regulation**

**Attachment/s**

There are no attachments for this report.





**Subject: Hawke's Bay Independent Flood Review policy recommendations**

**Reason for report**

1. This report is to update the RPC members on the recommendations from the HBRC Independent Flood Review in relation to relevant regional planning documents and associated implications.

**Executive summary**

2. Staff have undertaken an initial analysis of the recommendations from the independent reviews arising from Cyclone Gabrielle to understand what actions are required. The independent reviews currently include:
  - 2.1 HB Independent Flood Review (HBIFR)
  - 2.2 Government Inquiry into the Response to the North Island Severe Weather Events, and
  - 2.3 HBCDEM Response to Cyclone Gabrielle.
3. There are five recommendations directly related to the Regional Policy Statement and Regional Resource Management Plan.

**Background/ Discussion**

4. The HBIFR was commissioned by HBRC to investigate the circumstances and contributing factors that led to the flooding in the Hawke's Bay region during Cyclone Gabrielle. The report was received by the Regional Council on 31 July 2024. It is a comprehensive 249-page document, with 47 recommendations split into 7 focus areas.
5. One such focus area is dedicated to recommendations regarding planning controls, five of which are directly related to the Regional Policy Statement and the Regional Resource Management Plan. These are:
  - 5.1. **FRHBRC-22.** HBRC should urgently review the Regional Policy Statement so that it includes clear and directive objectives and policies regarding land use management in flood hazard areas.
  - 5.2. **FRHBRC-24.** HBRC should ensure that Regional Policy Statement Provisions:
    - 5.2.1. Identify and map areas subject to flood hazard risks, including scenarios that exceed the levels of service provided by flood management assets
    - 5.2.2. Direct how the effects of climate change are to be taken into consideration when identifying flood hazard areas and assessing subdivision and land use applications
    - 5.2.3. Define unacceptable flood hazard risk
    - 5.2.4. Direct that district plans avoid unacceptable flood hazard risks, including, for example through the use of prohibited activity rules
    - 5.2.5. Define when mitigation measures to manage flood hazard risks are appropriate and the types of mitigation that are appropriate
    - 5.2.6. Identify areas of high flood hazard risk where managed retreat is required.
  - 5.3. **FRHBRC-25.** The review of the Regional Policy Statement should ensure that new and

intensified residential development and subdivision is prohibited in areas subject to unacceptable flood hazard.

- 5.4. **FRHBRC-26.** The review of the Regional Policy Statement should ensure that direction is provided for the identification and management of residual flood risks resulting from ponding, stopbank breaches and overflow. The Panel recommends that the approach to residual risk adopted by Kāpiti Coast District Council is taken as best practice.
- 5.5. **FRHBRC-27.** HBRC should urgently review the provisions of the Regional Resource Management Plan to ensure that the design of new structures, particularly bridges, minimises to the extent practicable the extent to which they constrict flood flows and act as debris barriers during floods. An example would be to explore options not involving/minimizing the use of piles and raising bridge deck levels well above extreme flood levels.

## Discussion

6. Work had begun prior to Cyclone Gabrielle to review and update the Regional Policy Statement and the Regional Resource Management Plan.
7. A draft of the updated Regional Policy Statement is anticipated to be brought to Council in early-2025, with issues and options being discussed prior to this date.
8. The below table discusses each of the recommendations as outlined above.

	<b>Recommendation</b>	<b>Discussion</b>	<b>Status</b>
1	<b>FRHBRC-22</b> RPS Review	Review and rewrite of the Regional Policy Statement is currently underway and will include objectives and policies regarding land use management in flood hazard areas.	Underway
2	<b>FRHBRC-24</b> RPS Provision Inclusions	Acknowledge the provisions suggested for inclusion. These will need to be worked through in the	Included through Kotahi
3	<b>FRHBRC-25</b> Prohibited Subdivision	This recommendation is accepted, noting that work will have to be done first to define the term 'unacceptable flood hazard' and then further work to identify where this risk exists.	Included through Kotahi
4	<b>FRHBRC-25</b> Residual Flood Risk	Initial thinking around residual risk has begun through as part of the Natural Hazards and Risks topic in Kotahi.	Undertake review of Kāpiti Coast District Council's approach as best practice.
5	<b>FRHBRC-27</b> Minimizing debris barriers	This recommendation is accepted and will be incorporated into Kotahi, acknowledging the constraint that this will only apply to new structures.	Underway

## Decision-making considerations

9. 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 *Hawke's Bay Independent Flood Review policy recommendations* staff report.

**Authored by:**

**Louise McPhail**  
**Manager Regulatory Implementation**

**Nichola Nicholson**  
**Acting Manager Policy & Planning**

**Approved by:**

**Katrina Brunton**  
**Group Manager Policy & Regulation**

**Attachment/s**

There are no attachments for this report.



18 September 2024

**Subject: September 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 considerations**

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 *September 2024 Policy Projects update*.

**Authored by:**

**Nichola Nicholson**  
**Acting Manager Policy & Planning**

**Approved by:**

**Katrina Brunton**  
**Group Manager Policy & Regulation**

**Attachment/s**

- 1 [↓](#) August 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
<a href="#">‘PC7’ Outstanding waterbodies plan change</a>	<ol style="list-style-type: none"> <li>Publicly notified on 31 August 2019. <a href="#">Decisions</a> on submissions were issued on 26 June 2021.</li> <li>Three parties lodged appeals with the Environment Court. A copy of each of these appeals can be viewed at <a href="https://www.hbrc.govt.nz/hawkes-bay/projects/outstanding-water-bodies/">https://www.hbrc.govt.nz/hawkes-bay/projects/outstanding-water-bodies/</a></li> <li>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.</li> <li><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></li> </ol>	Updates from staff as and when new information becomes available.
<a href="#">‘PC9’ Greater Heretaunga/Ahuriri catchment area plan change (aka TANK)</a>	<ol style="list-style-type: none"> <li>The TANK Plan Change was notified on 2 May 2020.</li> <li>The Hearings Panel consisting of Antoine Coffin (Chair), Dr Brent Cowie, Dr Greg Ryder, Dr Roger Maaka, and Rauru Kirikiri issued decisions on 9th September 2022. Decisions are online<sup>1</sup>.</li> <li>16 appeals have been filed in the Environment Court. Copies of those appeals are online.</li> <li><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></li> </ol>	Updates from staff as and when new information becomes available.
Implementation of <a href="#">National Policy Statement on Urban Development 2020 (NPS-UD)</a>	<ol style="list-style-type: none"> <li>Three councils (HBRC, NCC and HDC) are jointly responsible for developing a <a href="#">‘Future Development Strategy’</a> (‘FDS’) for the Napier-Hastings urban area. That Strategy would sit outside of the Regional Policy Statement and regional plans (much like the existing <a href="#">Heretaunga Plains Urban Development Strategy</a>).</li> <li><u>The FDS Joint Committee’s next meeting is scheduled for 6<sup>th</sup> 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></li> <li><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></li> <li><u>The current work programme for FDS development is aiming to have a finalised FDS adopted by October 2024.</u></li> </ol>	Updates from staff as and when new information becomes available.
<a href="#">Statutory Acknowledgements of Treaty settlements</a>	<i>Refer to Pātaka online mapping tool for further information [<a href="#">website link</a>] 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.

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





**Subject: September 2024 Statutory Advocacy and Resource Management reform update**

**Reason for report**

1. This item updates the status of reports on proposals forwarded to the Regional Council and assessed by staff acting under delegated authority as part of the Council's Statutory Advocacy project. This edition features a new-look style and feedback on this new style is invited.
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. reviews and changes to district plans overseen by a territorial authority
  - 2.3. non-statutory strategies, structure plans, registrations, etc prepared by territorial authorities, government ministries or other agencies involved in resource management.
3. From time to time, the Statutory Advocacy project also coordinates the Regional Council's feedback on resource management-related proposals from central government agencies such as Ministry for the Environment, Ministry for Primary Industries and Parliamentary Committees etc.
4. In all cases, the Regional Council is **not** the decision-maker, applicant nor proponent.
5. Copies of formal submissions made by the Regional Council on resource management-related proposals can be viewed online at [www.hbrc.govt.nz](http://www.hbrc.govt.nz) (keyword #hbrcsubmissions).

**Decision-making considerations**

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

**Recommendation**

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

**Authored by:**

**Gavin Ide**  
Principal Advisor Strategic Planning

**Nichola Nicholson**  
Acting Manager Policy & Planning

**Approved by:**

**Katrina Brunton**  
Group Manager Policy & Regulation

**Attachment/s**

- 1  Statutory Advocacy update



# Statutory Advocacy Update

*July-August 2024*

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

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

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

National	<ul style="list-style-type: none"> <li>• Reforming the Resource Management System – Tranche One RMA changes</li> <li>• Reforming the Resource Management System – Tranche Two RMA changes etc.</li> <li>• Climate Change Adaptation Framework</li> <li>• Fast-track Approvals Bill</li> </ul>
Regional	<ul style="list-style-type: none"> <li>• Severe Weather Emergency Recovery Legislation Act and Orders in Council</li> <li>• Napier City Council Proposed District Plan</li> <li>• Notified resource consent for 59-lot residential subdivision at 68 Franklin Road, Bay View, Napier</li> <li>• Hastings District Council Proposed Plan Change 6 – Lifestyle subdivision</li> <li>• COVID-19 fast-track consenting applications</li> <li>• Marine and Coastal Area (Takutai Moana) Act 2011 (MACAA) applications</li> </ul>
Other	<ul style="list-style-type: none"> <li>• Application for Water Conservation Order – Ngaruroro and Clive Rivers</li> </ul>

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

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

#### Completed proposals (no further reporting)

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



# Statutory Advocacy Update

July-August 2024

<b>Subject</b>	Reforming the Resource Management System – Tranche One RMA amendments
<b>Type</b>	Legislation and national direction
<b>Owner / Lead</b>	Ministry for the Environment (plus other Ministries)
<b>Summary</b>	<p>Proposed changes to the resource management system aim to give councils and consent applicants more certainty while the Government develops new legislation to replace the Resource Management Act (RMA).</p> <p>Previously, the Coalition Government had repealed both the Natural and Built Environment Act and Spatial Planning Act. The Government has also introduced several other Bills, including the following that will influence the wider resource management system:</p> <ul style="list-style-type: none"> <li>• Fast-track Approvals Bill</li> <li>• Resource Management (Extended Duration of Coastal Permits for Marine Farms) Amendment Bill</li> <li>• Local Government (Water Services Preliminary Arrangements) Bill.</li> </ul>
<b>Update</b>	<p>Resource Management (Freshwater and Other Matters) Amendment Bill is part-way through a Parliamentary process. Submissions have closed and Select Committee hearings have concluded. Key changes proposed in the Bill relate to:</p> <ul style="list-style-type: none"> <li>• Excluding the NPS-FM's hierarchy of obligations from consideration in new resource consenting.</li> <li>• Repealing low slope map and related requirements from stock exclusion regulations.</li> <li>• Repealing permitted and restricted discretionary activity regulations for intensive winter grazing from the National Environmental Standards for Freshwater (NES-F).</li> <li>• Aligning provisions for coal mining with other mineral extraction activities under the National Policy Statement for Indigenous Biodiversity (NPS-IB), NPS-FM and NES-F.</li> <li>• Imposing a three-year suspension of requirements under the NPS-IB for territorial authorities to identify new Significant Natural Areas (SNAs) in district plans.</li> <li>• Speeding up and simplifying process for preparing and amending national direction, including NESs, NPSs, national planning standards and the NZ Coastal Policy Statement.</li> </ul> <p>Changes to the National Policy Statement for Highly Productive Land 2022 (NPS-HPL) will come into effect on 13 September 2024 to enable a consenting pathway for new renewable energy projects such as solar farms, as well as indoor primary production (poultry and piggeries) and greenhouses. These proposed changes were consulted on in Sept-Oct 2023. Further changes to the NPS-HPL will be considered as part of the Government's reform of the resource management system.</p> <p>In August 2024, the Government announced it has decided to make changes to natural hazard national direction through a single instrument to be in place by mid-2025. This would be progressed as part of the Government's second phase of reforms. Previously (in 2023), the Government had consulted on a proposed two-phase approach to direct councils to manage risks from floods, landslides and other natural hazards when planning for new land use activities under the RMA. The first phase was proposed to be a national policy statement for natural hazards decision-making. The second phase was to feature a more comprehensive instrument.</p>

# Statutory Advocacy Update

*July-August 2024*

<b>Potential Impacts for HBRC</b>	There are significant looming impacts on workstreams across the council resulting from the amendments to the RMA. These will continue to be worked through as these bills each work through the Parliamentary processes and as more details are confirmed.
<b>Actions arising</b>	Policy and Regulatory Group staff are assessing implications of new changes to NPS-HPL to come into effect from 13 September.  No other action from HBRC currently required, other than remaining actively involved in various regional government sector working groups.
<b>Important Date</b>	30 September 2024 – Due date for Select Committee's report back to Parliament.
<b>Further Information</b>	<a href="https://environment.govt.nz/what-government-is-doing/areas-of-work/rma/changes-to-resource-management/">https://environment.govt.nz/what-government-is-doing/areas-of-work/rma/changes-to-resource-management/</a> <a href="#">MFE: Changes to NPS-HPL 2022</a>
<b>HBRC Lead</b>	Principal Advisor Strategic Planning - Gavin Ide



# Statutory Advocacy Update

July-August 2024

<b>Subject</b>	Reforming the Resource Management System – Tranche Two of RMA amendments, etc.
<b>Type</b>	Legislation
<b>Owner / Lead</b>	Ministry for the Environment (plus other Ministries)
<b>Summary</b>	<p>A second tranche of amendments to the RMA (and other legislation) has been foreshadowed in the Coalition Agreements and 2024 Quarter 3 work programme.</p> <p>The second tranche of RMA amendments will progress the Government's reform programme. The Government has announced plans for a second RMA amendment bill aimed at a range of national direction issues. The Bill is due to be introduced to Parliament later in 2024 and could become law in 2025.</p> <p>The bill could see seven new national direction instruments – such as national policy statements and national environmental standards – developed, and fourteen existing NPSs and NESs amended. The proposed bill could include changes to policy or new instruments relating to (indicative only):</p> <ul style="list-style-type: none"> <li>• Going for Housing Growth programme, with proposed changes including: <ul style="list-style-type: none"> <li>○ new Housing Growth Targets for Napier and Hastings councils to “live zone” 30 years’ worth of feasible development capacity in their district plans</li> <li>○ enabling greenfield development</li> <li>○ introducing further intensification requirements to ensure councils enable appropriate levels of intensification in their urban areas e.g. around strategic transport corridors</li> <li>○ introducing new direction on mixed-use development</li> <li>○ making it easier to build supplementary units (a.k.a. ‘granny flats’).</li> </ul> </li> <li>• Amendments to the NPS for Highly Productive Land</li> <li>• Consenting changes for renewable electricity generation and lines, forestry and farming</li> <li>• Urgent amendments to RMA to clarify management of discharge consents in a practical way, following two recent High Court decisions on sections 70 and 107 of RMA</li> <li>• The regulatory interface between the RMA and Fisheries Act</li> <li>• A new single instrument of National Direction for natural hazards</li> <li>• A new national policy statement for infrastructure.</li> </ul>
<b>Update</b>	In recent weeks, various Government Ministers continue to make announcements about intended policy amendments (for example, in relation to aquaculture, energy, infrastructure, affordable housing, discharge consents, natural hazards, and others). Further details of most of those announcements is yet to be publicly released.
<b>Potential Impacts for HBRC</b>	There are likely to be significant looming impacts on workstreams across the council resulting from further RMA amendments. These will continue to be worked through as respective Bills work through Parliamentary processes and as more details are confirmed.
<b>Actions arising</b>	<p>No action from HBRC currently required.</p> <p>Actively engage in relevant preliminary proposals and opportunities for feedback to government officials as time and priorities suit.</p> <p>Remain actively involved in various regional government sector working groups.</p>
<b>Important Dates</b>	Tranche 2 RMA amendment Bill expected to be introduced into Parliament in late 2024. No further dates confirmed.
<b>Further Information</b>	<p><a href="#">Ministry for the Environment – RMA area of work programme</a></p> <p><a href="#">Ministry of Housing and Urban Development – Going for Housing Growth programme</a></p> <p><a href="#">Media release – Government to clarify discharge consenting</a></p> <p><a href="#">Media release – Government’s next steps for electrifying New Zealand</a></p>
<b>HBRC Lead</b>	Principal Advisor Strategic Planning - Gavin Ide

# Statutory Advocacy Update

July-August 2024

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



# Statutory Advocacy Update

July-August 2024

<b>Name</b>	Fast-Track Approvals Bill 2024
<b>Proposal Type</b>	Legislation
<b>Owner / Lead</b>	Ministry for the Environment (plus other Ministries)
<b>Summary</b>	<p>The Fast-track Approvals Bill is an omnibus bill. It would enable a 'one-stop shop consenting and permitting scheme' for infrastructure and development projects that are considered to have significant regional or national benefits. Consenting and approvals are to be bundled under a range of different legislation including:</p> <ul style="list-style-type: none"> <li>• resource consents, notices of requirement, and certificates of compliance (Resource Management Act 1991)</li> <li>• concessions (Conservation Act 1987)</li> <li>• authority to do anything otherwise prohibited under the Wildlife Act 1953</li> <li>• archaeological authority (Heritage New Zealand Pouhere Taonga Act 2014)</li> <li>• marine consents (Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012)</li> <li>• land access (Crown Mineral Act 1991)</li> <li>• aquaculture activity approvals (Fisheries Act 1996).</li> </ul>
<b>Update</b>	<p>Public submissions on the Bill closed in April 2024. The Select Committee has heard a selection of submitters' presentations. The Select Committee is in deliberation and due to report back to Parliament in October.</p> <p>Ministers have announced intentions to further modify Bill's proposals, including removing role of Ministers in making final decisions on Panel's recommendations.</p>
<b>Potential Impacts for HBRC</b>	HBRC already has experience participating in two recent resource consent applications under the COVID-19 Fast-track consenting legislation, but the Fast-track Approvals Bill will inevitably bring its own nuances, details and challenges for HBRC to work through. Impacts on workstreams across the council will need to be assessed as the Bill progresses.
<b>Actions arising</b>	<p>No action from HBRC currently required.</p> <p>Remain actively involved in various regional government sector working groups to identify common implementation challenges and solutions.</p>
<b>Important Dates</b>	<p>18 Oct 2024 – Due date for Select Committee report back to Parliament.</p> <p>Bill is expected to be passed into law by late 2024.</p>
<b>Further Information</b>	<p><a href="#">New Zealand Parliament website – Fast-track Approvals Bill</a></p> <p><a href="#">Ministry for the Environment website – Fast-track Approvals Bill</a></p>
<b>HBRC Lead</b>	Principal Advisor Strategic Planning - Gavin Ide



# Statutory Advocacy Update

July-August 2024

<b>Name</b>	Napier City Council Proposed District Plan
<b>Proposal Type</b>	Proposed Plan under RMA
<b>Owner / Lead</b>	Napier City Council (NCC)
<b>Summary</b>	<p>The Proposed District Plan (PDP) review was publicly notified on 21 September 2023. Public submission period closed 15 December 2023.</p> <p>The PDP provides a comprehensive framework for guiding land use, subdivision and development for Napier City, and includes policies and rules. Some (but not all) rules have immediate legal effect from the date of notification.</p> <p>NCC have indicated it intends to publicly notify 'Variations' to the PDP to introduce specific chapters and other provisions relating to natural hazards and indigenous biodiversity.</p>
<b>Update</b>	<p>The summary of submissions received and call for further submissions was notified in April 2024. An addendum summary was re-notified in June 2024. The closing date for making further submissions was 2 July 2024.</p> <p>HBRC made further submissions on original submissions made by others relating to:</p> <ul style="list-style-type: none"> <li>• subdivision, wastewater and stormwater management</li> <li>• highly productive land</li> <li>• earthworks</li> <li>• natural hazard risk and flood-free building platforms</li> <li>• regionally significant infrastructure.</li> </ul> <p>NCC intending to commence series of hearings ~October/November 2024 running through into mid-2025.</p>
<b>Potential Impacts for HBRC</b>	<p>The Proposed District Plan must give effect to the Regional Policy Statement.</p> <p>HBRC lodged submissions in relation to natural hazards and risk, indigenous biodiversity, climate change and transportation.</p>
<b>Actions arising</b>	<p>No action by HBRC currently required. Next phase is preparation for the hearings.</p> <p>Meanwhile, HBRC Policy team members continue ongoing discussions with NCC colleagues as NCC prepare Variations for natural hazards and indigenous biodiversity matters in the proposed district plan.</p>
<b>Important Dates</b>	Hearing dates are not yet set by NCC, but are anticipated to commence c. November 2024.
<b>Further Information</b>	<a href="https://www.napier.govt.nz/our-council/plans-strategies-reports/napiers-district-plan/proposed-district-plan/">https://www.napier.govt.nz/our-council/plans-strategies-reports/napiers-district-plan/proposed-district-plan/</a>
<b>HBRC Lead</b>	Senior Policy Planner – Dale Meredith



# Statutory Advocacy Update

July-August 2024

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



# Statutory Advocacy Update

July-August 2024

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



# Statutory Advocacy Update

July-August 2024

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



# Statutory Advocacy Update

July-August 2024

<b>Name</b>	COVID-19 Fast Track Consent Applications
<b>Proposal Type</b>	Resource consent
<b>Owner / Lead</b>	Environmental Protection Authority (EPA), Various applicants
<b>Summary</b>	<p>In December 2023, Trustees of the RW and MC Gale Family Trust applied to the EPA for resource consents to establish and operate a quarry in Maraekakaho and remediate the land after quarrying ends.</p> <p>Earlier on 6<sup>th</sup> March 2024, another Expert Consenting Panel had granted consents for the <a href="#">‘Wairatahi Project’</a> for a mix of residential housing on the fringes of Flaxmere.</p>
<b>Update</b>	<p>On 5<sup>th</sup> August 2024, an Expert Consenting Panel granted resource consents, subject to conditions, for the Maraekakaho Quarry application. The Panel’s <a href="#">decision</a> can be viewed online at the EPA’s website.</p> <p>A week prior, HBRC had provided feedback on the Panel’s [then] draft conditions.</p> <p>On 4<sup>th</sup> September, HBRC received copy of notice of an appeal to the High Court against the Expert Consenting Panel’s decision to grant consents. That High Court appeal has been filed by Te Taiwhenua o Heretaunga and 14 marae of Ngati Kahungunu.</p>
<b>Potential Impacts for HBRC</b>	With consents having been granted by the Expert Consenting Panel, HBRC will have an ongoing compliance monitoring role to ensure conditions of consent falling within HBRC’s functions are complied with. Hastings District Council will have similar respective role in terms of the land use consents granted by the Expert Consenting Panel. This role will remain in limbo until the High Court appeal proceedings are resolved.
<b>Actions arising</b>	<p>No point of law appeal filed by HBRC.</p> <p>If/when High Court appeal is resolved and consents remain granted, then HBRC’s Consents Team will take preliminary steps to incorporate the relevant new consents and associated conditions into HBRC’s database of current consents for reporting, monitoring etc.</p>
<b>Important Date</b>	27 Aug 2024 - Deadline for appeals on ‘points of law’ to be filed with High Court by any relevant party against Expert Consenting Panel’s decision.
<b>Further Information</b>	<a href="#">Environmental Protection Authority – Maraekakaho Quarry project application</a>
<b>HBRC Lead</b>	Principal Advisor Strategic Planning - Gavin Ide



# Statutory Advocacy Update

July-August 2024

<b>Name</b>	Marine and Coastal Area (Takutai Moana) Act 2011 (MACAA)
<b>Proposal Type</b>	MACAA applications Customary Marine Title (CMT)
<b>Owner / Lead</b>	High Court; various applicants.
<b>Summary</b>	<p>Hawke's Bay has numerous overlapping applications for CMT that are in progress and have been heard or are being heard in blocks:</p> <ol style="list-style-type: none"> <li>1. Ngāti Pāhauwera Development Trust, Maungaharuru Tangitū Trust, Ngāi Tāhū O Mohaka Waikare, Ngāti Parau Hapū (Waiohiki Marae Board of Trustees) have completed Stage 2 Hearings 23/05/2022. These applications are now in a procedural stage to align draft CMT orders and maps to the judgement. There is a wait on the Surveyor-General to provide final guidelines for maps.</li> <li>2. Rongomaiwahine Iwi Trust and Ngāi Tamanuhiri Iwi are pursuing application through direct Crown engagement. Rongomaiwahine Iwi trust is engaging with overlapping applications in both High Court and Crown pathways.</li> <li>3. Ngāti Kurupakiaka and Te Ruahina Marae and Hapu have overlapping claims. Engagement together has occurred. No hearing yet set.</li> <li>4. Group M (Ngāi Tūmapūhia-a-Rangi Hapū) have overlapping jurisdiction into Hawke's Bay from Wairarapa. Stage 1A Hearing completed 4/09/2023. Stage 1B Hearing completed 19/02/2024.</li> </ol>
<b>Update</b>	<p>Group M Stage 1B Hearing completed 19/02/2024, decision paper is pending. HBRC participation is limited to comment on draft orders, this process is expected to take place in late 2024.</p> <p>Group M wāhi tapu evidence hearings are scheduled for 17 February 2025 with expected closing on submissions 28-29 April 2025. Stage 2(b) hearing (to finalise Stage 1(b) and wāhi tapu submissions) is set for 18-20 August 2025.</p> <p>Court of Appeal in re Edwards shifted the burden of proof for substantial interruption (s.58(1) MACAA) from the Applicant Group to the Attorney-General and third-party submitters. This may require Council to provide evidence of their use in future hearings.</p>
<b>Potential Impacts for HBRC</b>	CMT provides for rights in relation to the RMA and NZCPS, notably permission rights in relation to consents and permits, and the right to create planning documents (which if lodged with HBRC, will need to be taken into account in planning documents).
<b>Actions arising</b>	No action from HBRC currently required.
<b>Important Dates</b>	<p>17 Feb 2025 - Group M Wāhi tapu hearing.</p> <p>18-20 August 2025 - Group M Stage 2(b) hearing.</p>
<b>Further Information</b>	<p><a href="#">Judgement of Churchman Re Ngati Pahauwera</a></p> <p><a href="#">Judgement of Gwynn Group Re Ngai Tumapuhia a Rangi</a></p>
<b>HBRC Lead</b>	Policy Planner – Shelley King