

Meeting of the Regional Planning Committee

Late Items

Date: Wednesday 14 May 2025
Time: 11.30am
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Agenda

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HAWKE'S BAY REGIONAL COUNCIL

Regional Planning Committee

Wednesday 14 May 2025

Item 11

Subject: Proposed Plan Change 7: Outstanding Water Bodies - Environment Court decision overview & Making Proposed Plan Change 7 Operative

Reason for report

1. On 23 April 2025, the Environment Court issued its final decision on Proposed Plan Change 7 to the Regional Resource Management Plan (Change 7).
2. This item provides an overview of the Court-confirmed provisions and seeks a recommendation from the Regional Planning Committee to Council to adopt the amended plan, if no appeals are lodged with the High Court by 15 May 2025.

Staff recommendation(s)

3. Staff recommend that the Regional Planning Committee agrees, by way of a recommendation to Council, to staff making the necessary administrative arrangements (including a mandatory public notice) for Change 7 to become operative on a date sometime before 31 August 2025, unless an appeal is lodged with the high court.

Executive summary

4. On 23 April 2025, the Environment Court issued its final decision on Change 7. Change 7 identifies and provides a framework for the protection of outstanding water bodies in Hawke's Bay, recognising their exceptional cultural, spiritual, ecological, landscape, and recreational values.
5. If no appeals are lodged by the 15 May 2025 deadline, the Council is required to adopt the amended plan and make it operative. This is a procedural step under the Resource Management Act, with no further discretion to alter or reject the plan.

Background /Discussion

6. Change 7, notified in August 2019, amends the Regional Resource Management Plan (RRMP) to include a list of the region's outstanding water bodies, together with a framework which prescribes a high level of protection for these water bodies in future plan making.
7. The water bodies identified in Change 7 are the 'best of the best' within the region, featuring an exceptional cultural, spiritual, recreational, landscape, natural form and character, or ecology value which is remarkable in Hawke's Bay.
8. The key milestones in the Change 7 process to arrive at this final step are as follows:

Oct 2016 – 2019	Change 7 development
Aug 2019	Change 7 publicly notified (41 submissions, 19 further submissions)
Nov/Dec 2020	Hearing held by Independent Hearing Panel
June 2021	Decisions on submissions issued
July 2021	Four appeals and twelve Section 274 notices lodged with the Environment Court
Dec 2021 – Feb 2024	Mediation between parties takes place
March/April 2024	Hearing held by Environment Court
April 2025	Decisions issued by Environment Court

Key features of Change 7

9. A summary of the key features of Change 7 and the list of outstanding water bodies is provided in Table 1 and Table 2, respectively.
10. Attachments 1 and 2 contain the Environment Court’s decision version of Change 7, and the full decision.

Table 1: Key features of Change 7

Outstanding water body	<i>“means freshwater bodies, and estuaries and lagoons (or parts thereof), that have outstanding cultural, spiritual, recreational, landscape, natural form and character or ecological value(s) as identified in Schedule 25”</i>
Outstanding	<i>“... means conspicuous, eminent, or remarkable in the context of the Hawke’s Bay Region”</i>
Objective LW1.1	<i>“..to protect the outstanding and significant values of outstanding water bodies identified in Schedule 25”</i>
Policy LW1.1	Conflicts between values are to be managed in accordance with the hierarchy of obligations in Te Mana o te Wai.
Policy LW1.2	<p>Future plan making:</p> <ul style="list-style-type: none"> - Identify the significant values of each outstanding water body (no limit on types of values that can be considered). - Identify spatial extent and establish how the outstanding and significant values of each outstanding water bodies will be protected. - New provisions added to manage: <ul style="list-style-type: none"> ☐ new activities in a manner which avoids adverse effects that are more than minor on the outstanding and significant values. ☐ existing activities in a manner which protects the outstanding and significant values of outstanding water bodies.
Policies LW3A & LW3B	<p>Intent of resource consent decision-making criteria:</p> <ul style="list-style-type: none"> ☐ That existing activities can continue as at 2019, unless outstanding values are in decline. ☐ For new activities, the extent they may impact outstanding values and if effects are more than minor. ☐ Effects on significant values must be considered.
Schedule 25 – screening criteria	Standalone screening criteria added for cultural, spiritual (tāngata whenua) recreational (angling, rafting, kayaking, jet boating) landscape, natural form and character, karst system / subterranean waters, ecological values (native birds, native fish, indigenous plants, other above ground ecology)

Schedule 25 – descriptions	<p><i>Descriptions added to assist readers:</i></p> <p>☐ “Mauri means the spiritual energy or life force that flows from io Matua Kore, to the Atua, and into all living things and natural resources. Universal soul, vitality. Human activities have the capacity to diminish or harm mauri; natural events do not. Mauri can also be transferred, flowing outwards from its source into animate or inanimate things. Tangata whenua can enable the transfer of mauri into mauri stones/rocks, taonga, personal effects etc., the pathway typically enabled through appropriate karakia and tikanga processes/protocols.”</p> <p>☐ “Nohoanga / pāhi means an area or site located alongside or within a riverbed, stream, lake, wetland or coastal area, and the cultural value from activities and practices associated with such sites. Traditionally nohoanga/pāhi are used for temporary occupation to undertake seasonal harvesting, the collection of kai or natural resources, for wānanga, and for training and instruction associated with the area and the natural resources available there.”</p> <p>☐ “Wāhi taonga is both a value and a place/area that is highly valued by tangata whenua. Wāhi tapu, and wai tapu are different categories of wāhi taonga, and encompass the cultural and spiritual value(s) of a sacred sites or areas due to the relationship of tangata whenua with them. For wai tapu, the values are spiritual and relate to baptism, blessing, cleansing, and historical use.”</p> <p>☐ “Whakapapa o te wai means the ancestral, traditional, customary and contemporary connections and relationships between hapū/marae and the waters they have mana over within their rohe, in accordance with tikanga Māori and mātauranga Māori. Whakapapa o te wai encapsulates the spiritual and physical origins and connections within the water cycle, including the kaitiaki role of the Atua and taniwha relating to water, and connections between tangata whenua as kaimahi, their traditional water resources and the taonga species they contain.”</p>
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Table 2: List of outstanding water bodies in Hawke’s Bay

ID#	Outstanding water body
1A	Heretaunga Plains Aquifer System - Cultural or spiritual values (whakapapa o te wai, wāhi taonga, wairua, mauri)
1B	Lake Poukawa and Pekapeka Swamp - Cultural or spiritual values; Ecology (habitat for aquatic native birds)
1	Lakes Rotoroa and Rototuna (the Kaweka Lakes) - Natural character (Lake Rotoroa and Lake Rototuna) Habitat for indigenous aquatic plant community (Lake Rototuna); Habitat for native fish community (Lake Rotoroa)
2	Lake Tūtira (including Lake Waikōpiro) - Cultural or spiritual values
3	Lake Waikaremoana - Ecology, specifically habitat for aquatic native plant communities; Landscape (wild and scenic) values; Natural character; Recreation (central focus of a Great Walk)
4	Lake Whakakī – Te Paeroa Lagoon – Wairau Lagoon and Wetlands - Ecology (habitat for high natural diversity of aquatic native birds)
5	Lake Whatumā - Cultural or spiritual values; Ecology (habitat for aquatic native birds, particularly Australasian bittern)
6	Mangahouanga Stream - Geology (presence of dinosaur fossils)
7	The Mohaka River upstream of Willow Flat - Natural character; Landscape (wild and scenic) values; Recreation, including trout angling, kayaking and rafting; Trout fishery (Mohaka River mainstem and in the tributaries upstream of State Highway 5 bridge)
8	Ngamatea East Swamp - Natural character; Ecology (habitat for indigenous plant populations)

ID#	Outstanding water body
9	<p>Ngaruroro River and Waitangi Estuary:</p> <ul style="list-style-type: none"> ☐ Upstream of the Whanawhana cableway - Natural character; Landscape (wild and scenic) values; Rainbow trout habitat; Recreation (trout angling, whitewater rafting, kayaking); Habitat for native aquatic birds (particularly whio) ☐ Downstream of the Whanawhana cableway - Habitat for native aquatic birds(including banded dotterel, black fronted dotterel) ☐ Downstream of the Whanawhana cableway to Fernhill - Natural form and character (braided river)
9A	Ruataniwha Plains Aquifer System (Cultural or spiritual values including whakapapa o te wai)
10	Taruarau River - Natural character, especially the gorge; Recreation (white water rafting and kayaking)
11	Pōrangahau River and Estuary downstream of the Beach Road Bridge - Cultural or spiritual values; Ecology (habitat for native aquatic birds)
12	Te Hoe River - Cultural or spiritual values including wāhi taonga, whakapapa o te wai, nohoanga/pāhi
12A	Te Karamū River - Cultural or spiritual values including wāhi taonga, whakapapa o te wai, nohoanga/pāhi
13	Te Whanganui-a-Orotū (Ahuriri Estuary) - Cultural or spiritual values including wāhi taonga; Aquatic bird habitat; Native fish habitat
14	Tukituki River downstream of SH50 bridge to the sea, including the estuary
15	Mainstem of the Tūtaekurī River upstream of the SH50 Bridge

Next steps

11. The next step for Council is to adopt Change 7 (Attachment 1), add the Council's seal, and make the plan operative. This should happen as soon as possible and involves updating the Regional Resource Management Plan (RRMP) to include all the changes made through the process.
12. At this point, the Council does not have the option to change or reject the plan. This is a required procedural step, and the content of Change 7 cannot be revisited. If the Council wants to make changes to the plan, it would need to start a new plan change process under Schedule 1 of the Resource Management Act.

Financial and resource implications

13. The work to progress Change 7 to this stage has been covered within existing budgets. No additional funding is required to make it operative. This is a procedural step, which includes issuing a public notice, updating the online version of the Regional Resource Management Plan (RRMP), and updating printed copies held at public libraries across the region as soon as practicable.

Summary

14. The purpose of this item is to provide an overview of the framework of Change 7 following the Court's decision, and to seek a recommendation from the Regional Planning Committee that Council adopt the plan and take the necessary steps to make it operative no later than August 2025, if no appeals are lodged with the high court.

Decision making process

15. Council is required to make a decision in accordance with the requirements of the Local Government Act 2002 (LGA). In this case, the decision to be made is prescribed by the Resource Management Act process as set out in Schedule 1 of the RMA. Staff have assessed the requirements contained in Part 6 Sub Part 1 of the LGA in relation to this item and have concluded the following:

- 15.1. The decision to make Change 7 operative does not significantly alter the service provision or affect a strategic asset.
- 15.2. The use of the special consultative procedure is not prescribed by legislation.
- 15.3. The decision does not fall within the definition of Council's policy on significance.
- 15.4. The persons affected by this decision are the Hawke's Bay regional community.
- 15.5. Options that have been considered include approving Change 7 and not approving Change 7.
- 15.6. The decision to make Change 7 operative is not inconsistent with an existing policy or plan.
- 15.7. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

Options assessment

16. Options that have been considered include approving Change 7 and not approving Change 7.
17. If no appeals are lodged by the 15 May 2025 deadline, the Council is required to adopt the amended plan and make it operative. This is a procedural step under the Resource Management Act, with no further discretion to alter or reject the plan.

Strategic fit

18. Change 7 was progressed to give effect to the NPS-FM requirements with respect to the identification and protection of outstanding water bodies in Hawke's Bay.

Significance and Engagement Policy assessment

19. The decision to make Change 7 operative is assessed as low under Council's Significance and Engagement Policy. The proposed plan change has already undergone public consultation, hearings, and Environment Court proceedings. As such, no further engagement is required. The decision is procedural in nature and does not significantly alter service levels or strategic assets.

Decision-making considerations

20. 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:
 - 20.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
 - 20.2. The use of the special consultative procedure is not prescribed by legislation.
 - 20.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
 - 20.4. The persons affected by this decision are the Hawke's Bay regional community.
 - 20.5. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

Recommendations

That the Regional Planning Committee:

1. Receives and considers the *Proposed Plan Change 7: Outstanding Water Bodies - Environment Court decision overview & Making Proposed Plan Change 7 Operative* staff report.
2. Recommends that Hawke's Bay Regional Council:
 - 2.1. Agrees that the decisions to be made are the result of Resource Management Act plan change consultation processes and Environment Court proceedings and therefore able to be made without re-consulting directly with the community.
 - 2.2. Approves Change 7 (outstanding water bodies) to the Hawke's Bay Regional Resource Management Plan in accordance with Clause 17 Schedule 1 of the Resource Management Act.
 - 2.3. Agrees to staff making the necessary administrative arrangements (including a mandatory public notice) so that Change 7 will become operative on a date sometime before 31 August 2025, unless an appeal is lodged with the high court.

Authored by:

Belinda Harper
Acting Team Leader Policy & Planning

Nichola Nicholson
Manager Policy & Planning

Approved by:

Katrina Brunton
Group Manager Policy & Regulation

Attachment/s

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|-------------------|---|---|
| 1 | Environment Court - decision version of Plan Change 7 | Under Separate Cover
Available online only |
| 2 | Environment Court - full decision document | Under Separate Cover
Available online only |

HAWKE'S BAY REGIONAL COUNCIL

Regional Planning Committee

Wednesday 14 May 2025

Item 12

Subject: May 2025 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.

Background

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 (keyword #hbrcsubmissions).
6. The following summary outlines those proposals that the Council's Statutory Advocacy project is currently **actively** engaged in. Green underlined text represents update since previous report in February 2025.

7. Summary

National	<ul style="list-style-type: none">☑ Reforming the Resource Management System – Tranche Two RMA amendments etc.☑ <u>Programme of new and amended National Direction (NPSs and NESs) under the RMA</u>☑ <u>Reform of the Resource Management System - Replacement of the RMA</u>☑ Local Government (Water Services) Bill☑ <u>National standards for discharges from municipal wastewater schemes.</u>
Regional	<ul style="list-style-type: none">☑ Napier City Council Proposed District Plan☑ <u>Private Plan Change 7 to the Hastings District Plan (Hastings Golf Course)</u>☑ <u>Resource consent application by Sun Properties Limited for development at 147 Napier Road, Havelock North</u>☑ Marine and Coastal Area (Takutai Moana) Act 2011 (MACAA).
Other	<ul style="list-style-type: none">☑ Application for Water Conservation Order – Ngaruroro and Clive Rivers

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

- ☑ Central Government's Climate Change Adaptation Policy programme February 2025

9. **Completed proposals** (no further reporting)

Fast Track Approvals Act 2024	February 2025
Resource Management (Freshwater and Other Matters) Amendment Act 2024	February 2025
Hastings District Plan Change 6 (Category 3 Lifestyle subdivision provisions for displaced owners)	February 2025

10. **Active workstreams**

Subject	11. Programme of new and amended National Direction under the RMA
Type	National Policy Statements, National Environmental Standards and Regulations
Owner / Lead	Ministry for the Environment (plus other Ministries)
Summary	
Update	Refer to separate agenda item in RPC 14 May 2025 meeting agenda pack.
Potential Impacts for HBRC	
Actions arising	
Important Dates	
Further Information	
HBRC Lead	

Subject	12. Reforming the Resource Management System – Replacement of the RMA
Type	Legislation
Owner / Lead	Minister for RMA Reform, Hon Chris Bishop
Summary	
Update	Refer to separate agenda item in RPC 14 May 2025 meeting agenda pack.
Potential Impacts for HBRC	
Actions arising	
Important Dates	
Further Information	
HBRC Lead	

Subject	13. Reforming the Resource Management System – Tranche Two of RMA amendments, etc.
Type	Legislation
Owner / Lead	Ministry for the Environment (plus other Ministries)
Summary	<p>On 17 December 2024, the Resource Management (Consenting and Other System Changes) Amendment Bill had its first reading and was referred to the Environment Select Committee. This bill amends the RMA to progress Government priorities, including making it easier to consent new infrastructure, encouraging investment in renewable energy, and making medium-density residential standards optional for councils. Proposed amendments include:</p> <ul style="list-style-type: none"> • empowering the Minister to direct a council to initiate plan changes, and • empowering the Minister to direct the type of planning process councils must use to implement national direction • changes to s70 of the RMA to enable the continued management of discharges through permitted activity rules, in circumstances where significant adverse effect on aquatic life exist • clarifying the circumstances in which regional councils can control fishing methods to achieve biodiversity outcomes • strengthened compliance and enforcement powers • changing how applications to change the conditions of a marine aquaculture permit are to be assessed • extending durations for coastal permits for Ports to 2046 • changes to enable a 35-year consent duration as the default presumption for long-lived infrastructure and renewable energy projects • one-year consent processing timeframes for renewable energy and wood processing consents • changes to the national Freshwater Farm Plan system to enable industry organisations to undertake certification and audit processes • changes to better enable regulation-making powers following emergencies • changes giving councils greater authority to decline land use consents in areas at risk of significant natural hazards (similar to s106 RMA already applicable to subdivisions).
Update	<p>Submissions on the Bill closed on 10 February 2025. The Select Committee report back is due on 17 June. The Bill is expected to pass into law in mid-2025.</p> <p><u>Staff provided feedback to inform preparation of a submission by Te Uru Kahika (the collective of NZ's 16 regional councils and unitary authorities). A submission on behalf of HBRC alone was not made.</u></p>
Potential Impacts for HBRC	There are likely to be significant looming impacts on workstreams across the council resulting from further RMA amendments. These will continue to be worked through as respective Bills work through Parliamentary processes and as more details of the proposed national direction instruments are confirmed.
Actions arising	<u>Staff will actively monitor progress of the Bill through its remaining stages in readiness for when the Bill passes into law. Staff will also remain actively involved in various regional government sector working groups.</u>
Important Dates	<u>17 June 2025, Select Committee due to report back to Parliament on the Bill.</u>
Further Information	<p>https://environment.govt.nz/what-government-is-doing/areas-of-work/rma/changes-to-resource-management/</p> <p>https://legislation.govt.nz/bill/government/2024/0105/latest/LMS1014951.html</p>
HBRC Lead	Principal Advisor Strategic Planning - Gavin Ide

Name	14. Local Government (Water Services) Bill
Proposal Type	Legislation
Owner / Lead	Department of Internal Affairs (DIA) plus other Ministries
Summary	The Local Government (Water Services) Bill is the latest in a series of bills that reshape management and supply of water services (networks for supply of water, wastewater and urban stormwater). The Bill sets out details relating to the water services delivery system, economic regulation and consumer protection regime and changes to the water quality regulatory framework.
Update	The Local Government (Water Services) Bill has been referred to the Finance and Expenditure Select Committee. Submissions on the Bill closed on 23 February 2025. Feedback from staff was provided to Te Uru Kahika to inform a submission lodged on behalf of the sixteen regional councils and unitary authorities.
Potential Impacts for HBRC	These will continue to be worked through as the Bill progresses into law. Much of the bill will not directly apply to HBRC as HBRC is not an operator of water supply or wastewater services. The Bill will certainly have greater impact on those services provided by the city and district councils. The Bill will have indirect impacts on HBRC as a consenting authority under the RMA.
Actions arising	Remain actively involved in various regional government sector working groups.
Important Dates	17 June 2025 – Deadline for Select Committee to report back to Parliament.
Further Information	https://www.parliament.nz/en/pb/sc/make-a-submission/document/54SCFIN_SCF_FB7B9127-28F5-42B3-5E06-08DD18A12BFB/local-government-water-services-bill
HBRC Lead	Group Manager Policy & Regulation – Katrina Brunton

Subject	15. <u>National standards for discharges from municipal wastewater schemes</u>
Type	<u>Regulations</u>
Owner / Lead	<u>Taumata Arowai (The Water Services Authority)</u>
Summary	<p><u>Taumata Arowai has begun consulting on proposed national wastewater environmental performance standards. The proposed standards would apply to public wastewater networks, which serve just over 4 million people in New Zealand and are primarily owned and operated by local councils.</u></p> <p><u>The goal of these wastewater standards is to put in place a clear framework for many of the council-owned wastewater treatment plants due to be re-consented in the next decade. The Standards would also set clear expectations about the treatment of wastewater in a way that helps councils as they plan for, fund and obtain consents for the necessary infrastructure upgrades. The proposed standards are expected to:</u></p> <ul style="list-style-type: none"> <u>result in significant cost and time efficiencies for consenting of wastewater treatment plants, in a way that responds to the bow wave of re-consenting of wastewater infrastructure over the next decade</u> <u>strike a balance between the cost of upgrading wastewater infrastructure while ensuring that public health and environmental outcomes are achieved</u> <u>create national consistency to give councils the certainty needed to plan and fund the significant infrastructure upgrades that much of New Zealand’s aging public wastewater networks requires</u> <u>set clear expectations about treatment quality to assist with community engagement about different options to manage wastewater</u> <u>ensure that, as a sector, there is good quality wastewater performance data to identify what’s working well as well as opportunities for improvement.</u>
Update	<p><u>Senior staff have been reviewing the draft standards. Feedback is being provided to inform a submission being prepared on behalf of Te Uru Kahika (the collective of 16 regional councils and unitary authorities).</u></p> <p><u>HBRC’s Group Manager Policy & Regulation is leading coordination of that submission for Te Uru Kahika.</u></p>
Potential Impacts for HBRC	<p><u>Regional councils remain the primary regulator for wastewater networks. In this capacity, they remain responsible for assessing wastewater consent applications, issuing consents and undertaking any enforcement activity relating to consents. The proposed standards do not change this.</u></p> <p><u>Once final standards are in place, they will establish treatment requirements that regional councils will consistently apply to all consent applications. This will provide certainty for local councils when submitting a consent application.</u></p> <p><u>For wastewater management matters that fall outside of the standards (e.g. for non-council-owned wastewater systems), the current RMA consenting process would apply.</u></p>
Actions arising	<u>Providing feedback to inform submission on behalf of Te Uru Kahika. Staf will continue to be actively involved in various regional government sector working groups and liaison with Taumata Arowai and further development of the Standards progresses.</u>
Important Dates	<u>24 April 2025 – Public submissions close on draft Standards.</u>
Further Information	<u>https://www.taumataarowai.govt.nz/news/articles/consultation-provides-an-opportunity-to-contribute-to-new-zealands-wastewater-future/</u>
HBRC Lead	<u>Group Manager Policy & Regulation – Katrina Brunton</u>

Name	16. Napier City Council Proposed District Plan
Proposal Type	Proposed Plan under RMA
Owner / Lead	Napier City Council (NCC)
Summary	<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 <u>had previously</u> indicated it intends to publicly notify 'Variations' to the PDP to introduce specific chapters and other provisions relating to natural hazards.</p>
Update	<p><u>HBRC presented to the hearings panel at Hearing Streams 1, 2, and 3.</u></p> <p><u>In March, NCC opted to pause its work on preparing a Variation to the PDP to add a chapter for natural hazards. NCC have cited the pause as waiting on new national direction from the Government in relation to natural hazards.</u></p>
Potential Impacts for HBRC	<p>The Proposed District Plan must give effect to the Regional Policy Statement.</p> <p>HBRC has lodged submissions in relation to issues in the PDP relating to natural hazards and risk, indigenous biodiversity, climate change and transportation.</p>
Actions arising	<u>HBRC staff are currently preparing evidence in response to NCC officers reports for presentation to the hearings panel for upcoming hearing streams.</u>
Important Dates	<p><u>Hearing dates are scheduled for:</u></p> <ul style="list-style-type: none"> • <u>Hearing stream 4 – 12-14 May 2025</u> • <u>Hearing stream 5 – 16-17 June 2025</u> • <u>Hearing stream 6 – 16 June, 29 July 2025</u> • <u>Ecosystems variation hearing – 14-15 July 2025</u>
Further Information	https://www.napier.govt.nz/our-council/plans-strategies-reports/napiers-district-plan/proposed-district-plan/
HBRC Lead	Senior Policy Planner – Dale Meredith

Name	17. <u>Private Plan Change 7 to Hastings District Plan (Hastings Golf Course)</u>
Proposal Type	<u>Request for a change to District Plan under RMA</u>
Owner / Lead	<u>Hastings District Council (HDC)</u>
Summary	<u>Golf Sport Development Limited Partnership has requested a change to the Hastings District Plan. The Partnership's application to HDC is to rezone land situated at 1532 Maraekakaho Road, Bridge Pa (Hastings Golf Course) from Plains Zone to a 'Sport and Recreation Zone' with a 'Heretaunga Golf and Leisure Precinct', which includes housing and accessory development. The new zone would provide for the existing golf course facility and for future development incorporating new recreational facilities along with associated commercial, residential dwellings, and visitor accommodation.</u>
Update	<p><u>Private Plan Change 7 was publicly notified on 25 January 2025. Public submission period closed 24 February 2025.</u></p> <p><u>HBRC staff reviewed the plan change request proposal and concluded that a submission on the request was not necessary.</u></p> <p><u>HDC have published a summary of submissions received (almost 100 in total). Again, HBRC</u></p>

	<u>reviewed that summary and concluded that a further submission in support or opposition to any of those original submissions was unnecessary and not a key priority at the time. HDC will convene a hearing (tentatively mid-June 2025) and will in due course issue a decision to accept, modify or reject the private plan change request.</u>
Potential Impacts for HBRC	<u>The Proposed District Plan request must give effect to the Regional Policy Statement, irrespective of whether HBRC made a submission or not. If the rezoning is approved, it is likely that elements of the development concept will require resource consents from HBRC. Those will be the subject of separate applications that are not a pre-requisite to the plan change being approved or declined.</u>
Actions arising	<u>No action currently required.</u>
Important Dates	<u>Nil.</u>
Further Information	<u>https://www.hastingsdc.govt.nz/services/district-plan/changes/plan-change-7/</u>
HBRC Lead	<u>Team Leader Policy and Planning – Anne Bradbury</u>

Name	<u>18. Resource consent application for development at 147 Napier Road, Havelock North</u>
Proposal Type	<u>Notified resource consent application</u>
Owner / Lead	<u>Hastings District Council (HDC). Applicant is Sun Properties Limited.</u>
Summary	<u>The subdivision and land use consent application proposes to remove existing packhouse and coolstore facilities and to undertake a residential development comprising 29 residential units, with each unit contained within its own title. The proposal requires a combined land use and subdivision consent, as well as consent under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS). The applicant had requested the application be publicly notified.</u>
Update	<u>Resource consent application was publicly notified on 21 February 2025. The public submission period closed 24 March 2025. HBRC staff reviewed the application and provided feedback to HDC and applicant on stormwater and vesting of lot 31 and 32 and associated level of maintenance.</u>
Potential Impacts for HBRC	<u>While the site is proposed to be connected to HDC’s reticulated potable water and wastewater network, the proposal is for stormwater to be discharged into Karamu Stream, subject to on-site detention and treatment (and to obtaining relevant discharge permits from HBRC).</u>
Actions arising	<u>No action currently required.</u>
Important Dates	<u>TBC</u>
Further Information	<u>https://www.hastingsdc.govt.nz/our-council/news/article/3365/public-notice https://www.myvoicemychoice.co.nz/hdc/rma20240068-147-napier-road/</u>
HBRC Lead	<u>Intermediate Policy Planner – Alex Parkinson</u>

Name	19. Marine and Coastal Area (Takutai Moana) Act 2011 (MACAA)
Proposal Type	MACAA applications Customary Marine Title (CMT)
Owner / Lead	High Court; various applicants.
Summary	<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"> 1. Ngāti Pāhauwera Development Trust, Maungaharuru Tangitū Trust, Ngāi Tāhū O Mohaka Waikare, Ngāti Parau Hapū (Waiohiki Marae Board of Trustees): Decision on Stage 2 Hearings made 19/01/23. No recognition orders able to be finalised. Appeals still to be scheduled. 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. 3. Ngāti Kurupakiaka and Te Ruahina Marae and Hapu have overlapping claims. Engagement together has occurred. No hearing yet set. 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. Interim Decision issued 10/12/24. Judgement from the High Court is still pending.
Update	Rongomaiwahine Iwi Trust has sought a Stage 1 High Court hearing for Mahia Peninsula: This has been scheduled for May 4 2026.
Potential Impacts for HBRC	A CMT would provide 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 can be lodged with HBRC and may prompt a plan review process relating to the CMT area.
Actions arising	<p>HBRC is maintaining a watching brief on all proceedings.</p> <p>Processes for HBRC’s receipt and review of CMT planning documents are being incorporated into wider mana whenua planning document review.</p>
Important Dates	<p>21 July 2025 Group M Stage 1(b) wahi tapu hearing</p> <p>Group M Stage 2(b) hearing</p> <p>4 May 2026 Rongomaiwahine Stage 1 hearing (Gisborne)</p>
Further Information	Rongomaiwahine-Hearing-Overview.pdf
HBRC Lead	Policy Planner – Shelley King

Name	20. Application for Water Conservation Order – Ngaruroro and Clive Rivers
Proposal Type	Water Conservation Order (WCO)
Owner / Lead	Applicants for WCO are jointly: New Zealand Fish and Game Council, Hawke’s Bay Fish and Game Council, Ngati Hori Ki Kohupatiki, Royal Forest and Bird Protection Society of NZ, Whitewater NZ.
Summary	<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 Mokotūāraro (formerly known as the Clive River). In 2019 the Special Tribunal for the Water Conservation Order application recommended that the WCO be granted for the upper part of the Ngaruroro River and declined for the</p>

	<p>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>
Update	<p>As of July 2024 there was one unresolved issue regarding the definition of damming in the lower part of the Ngaruroro River in the draft order.</p> <p>HBRC and Forest & Bird filed a joint submission on 17 January 2025 to the Environment Court in support of an agreed definition of damming in the lower Ngaruroro River.</p> <p><u>The last remaining appeal point in relation to the definition of damming on the lower Ngaruroro River was resolved on 4 March 2025. The Environment Court amended the definition and released a final report on the WCO and a full copy of the recommended WCO.</u></p>
Potential Impacts for HBRC	<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>
Actions arising	No action currently required.
Important Dates	To be determined – <u>The recommended order now sits with the Minister for the Environment to consider.</u>
Further Information	<p>https://www.epa.govt.nz/public-consultations/decided/water-conservation-order-ngaruroro-and-clive-rivers/</p> <p>https://www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZEnvC/2025/63.html?query=Ngaruroro</p>
HBRC Lead	Intermediate Policy Planner – Saul Gudsell

Decision-making considerations

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

Recommendation

That the Regional Planning Committee receives and notes the *May 2025 Statutory Advocacy and Resource Management reform update*.

Authored by:

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Attachment/s

There are no attachments for this report.