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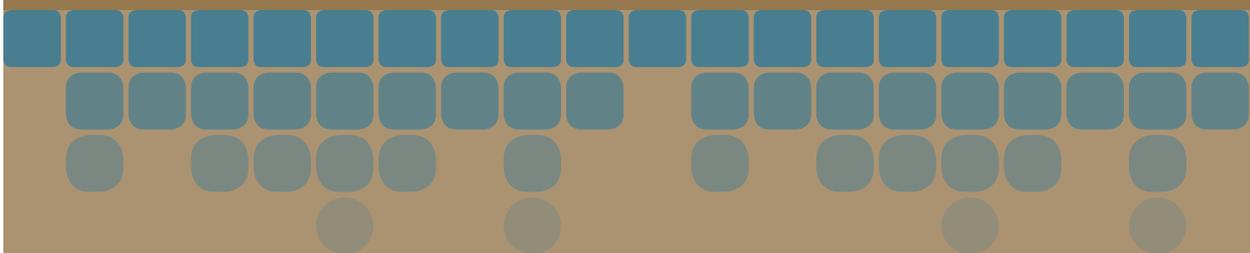
# REGIONAL PLANNING COMMITTEE

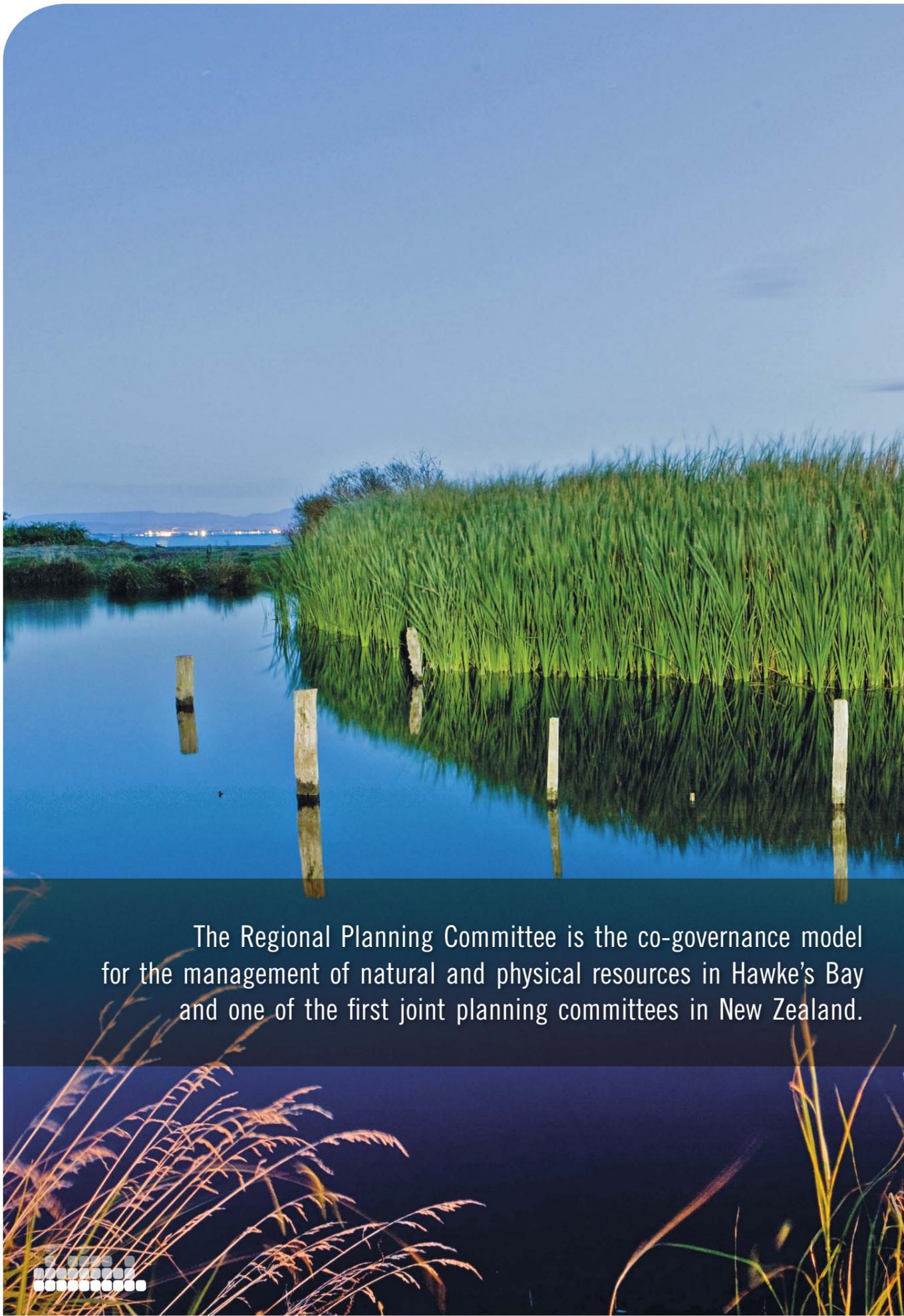
## ANNUAL REPORT 2013

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HBRC Report No. SD 13/05 - Plan Number 4520

FOR THE APRIL 2012 TO JUNE 2013 PERIOD





The Regional Planning Committee is the co-governance model for the management of natural and physical resources in Hawke's Bay and one of the first joint planning committees in New Zealand.



# REGIONAL PLANNING COMMITTEE

## ANNUAL REPORT 2013

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## Executive Summary

This Report provides an overview of the Hawke's Bay Regional Planning Committee (the Committee) and reports on its activities over the period April 2012 - June 2013.

The Committee was established in April 2011 by the Hawke's Bay Regional Council (Council). The Committee's purpose is to oversee the review and development of the regional planning documents for the Hawke's Bay region as required by the Resource Management Act 1991. This responsibility differs from the Māori Committee which has broader interests in all Council's activities of relevance to Tāngata Whenua.

The Committee was established as Treaty of Waitangi redress for the Tāngata Whenua Groups<sup>1</sup>. It will be eventually entrenched as a permanent committee of Council through an Act of Parliament (which means the Committee cannot be disestablished).

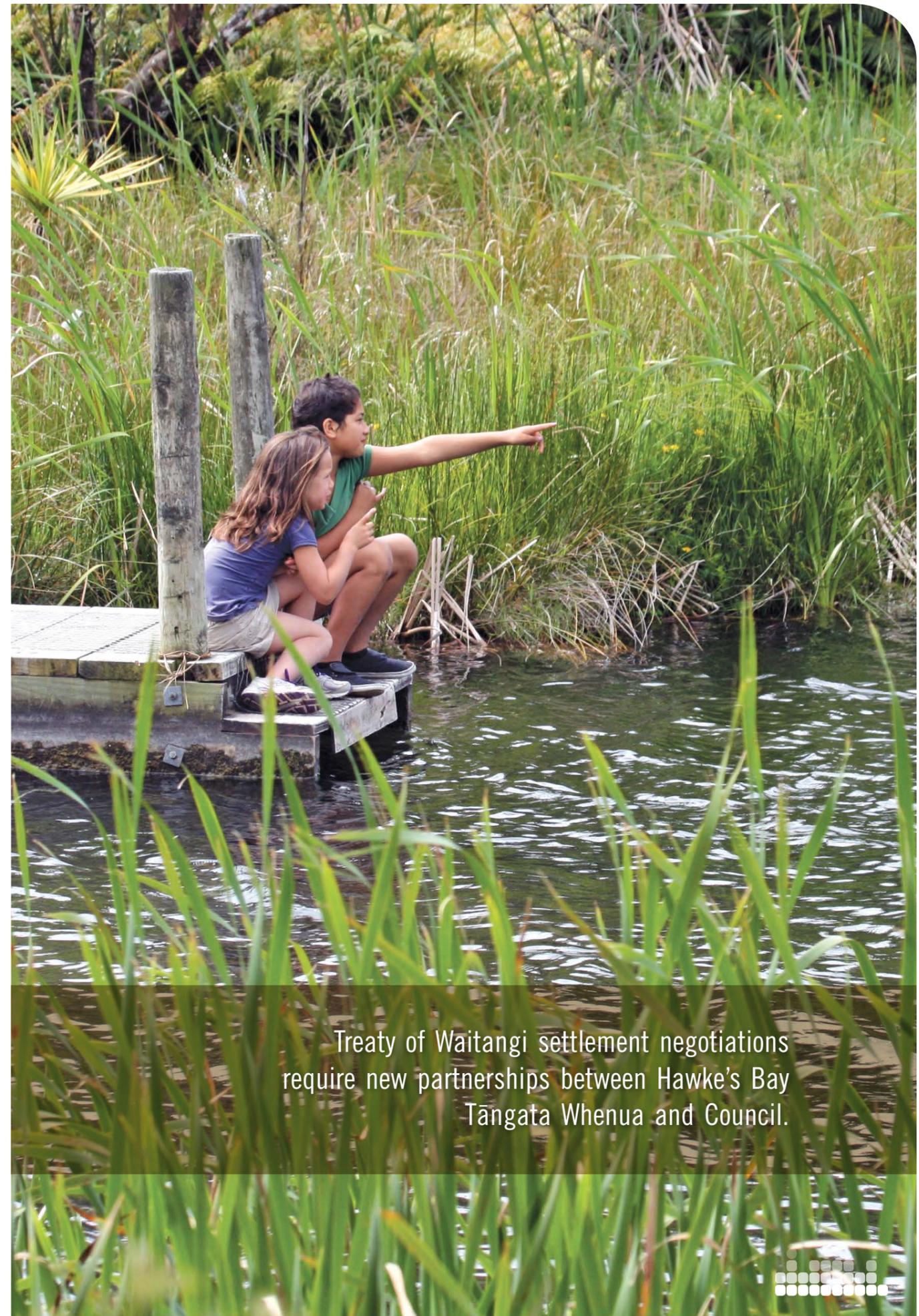
**Both Tāngata Whenua Group representatives and the Regional Council have worked together to establish the Committee based on the principles of co-governance and to ensure that Tāngata Whenua are active decision makers in managing their Taonga<sup>2</sup> under the Resource Management Act 1991.**

The Committee has an equal number of Regional Councillors and Tāngata Whenua Group representatives. It is the co-governance model for the management of natural and physical resources in Hawke's Bay and one of the first joint planning committees in New Zealand. The Committee is responsible for the review and development of the Regional Policy Statement, the Regional Resource Management Plan and the Regional Coastal Environment Plan. These are the key resource management planning documents in the Hawke's Bay Region. If the Regional Council is a bus

driving towards sustainable management of regional resources, then the Committee is the bus driver deciding our destination and steering us on our way.

The structure of the Committee is different than other Council Committees in a number of ways. The Committee is chaired under a dual chairmanship arrangement with the Chairman of the Regional Council and a nominated Tāngata Whenua representative. Decisions are made with at least 80% consensus, rather than the usual 51% and there is no casting vote for the Chair. When legislation is passed the Committee will be permanently established and will not dissolve every three years while local body elections take place. This means that members of the Committee are able to undertake long term planning spanning multiple years.

The Committee met seven times in the 2012/2013 year. A number of workshops, providing training around resource management legislation and regional planning issues, were also held throughout the year. The Committee has considered and made recommendations to Council on policy development and strategic planning matters including land and water changes to the Regional Policy Statement, plus regional planning initiatives for the Tukituki River catchment, the Taharua/Mohaka River catchment and the Tūtaekuri, Ahuriri, Ngaruroro, Karamū (TANK) catchment. During the next 2013/2014 year, the Committee will continue overseeing development of regional plan changes for the Mohaka and TANK catchments.



Treaty of Waitangi settlement negotiations require new partnerships between Hawke's Bay Tāngata Whenua and Council.

<sup>1</sup> "Tāngata Whenua Group" means a Crown recognised mandated group within the Hawke's Bay region, mandated for the purpose of negotiating with the Crown for a settlement of claims under the Treaty of Waitangi, or a post settlement governance entity which has taken over responsibility for representing such group.

<sup>2</sup> Taonga is a reference to treasures, in this context, natural and physical resources.

## 1.0 Background

Hawke's Bay Regional Council has a vision for a vibrant community, a prosperous economy, a clean and healthy environment, now and for future generations.

Management of natural and physical resources is one of Hawke's Bay Regional Council's (Council) primary responsibilities. Māori have Kaitiakitanga responsibilities relating to the region's resources and as Mana Whenua, are key stakeholders in the way our region's resources are managed now and for future generations.

**Treaty of Waitangi settlement negotiations resulting in cultural redress, require new partnerships between Hawke's Bay Tāngata Whenua and Council around the management of natural and physical resources and the exploration of sustainable economic opportunities for the region.** Throughout Treaty of Waitangi negotiations with council, Tāngata Whenua groups expressed aspirations to govern and manage their Taonga. Tāngata Whenua want to be part of the discussion and instrumental in decisions on Council's resource management strategic direction, for managing resources.

**The Council is committed to working in partnership with Tāngata Whenua and has welcomed the traditional knowledge and approach to resource management that Māori can bring to the table to achieve mutually desired outcomes for the region.**

Ongoing Treaty of Waitangi negotiations and settlements with Hawke's Bay Tāngata Whenua will have significant implications on Council's operations and have required a rethink about how we can best work together.

**Over the past few years, Council and Tāngata Whenua representatives have worked together to enhance and strengthen our relationship and develop the capacity of Māori to contribute to decision making processes.**

**One way to achieve co-governance of the region's natural resources has been to collectively establish the joint Regional Planning Committee.** Another initiative is the signing of a Deed of Commitment between Council and Tāngata Whenua representatives formalising the mutual respect and understanding between the parties. In addition, Council is also working with Tāngata Whenua, where specific cultural needs of Iwi and Hapū overlap or align with a Council activity.

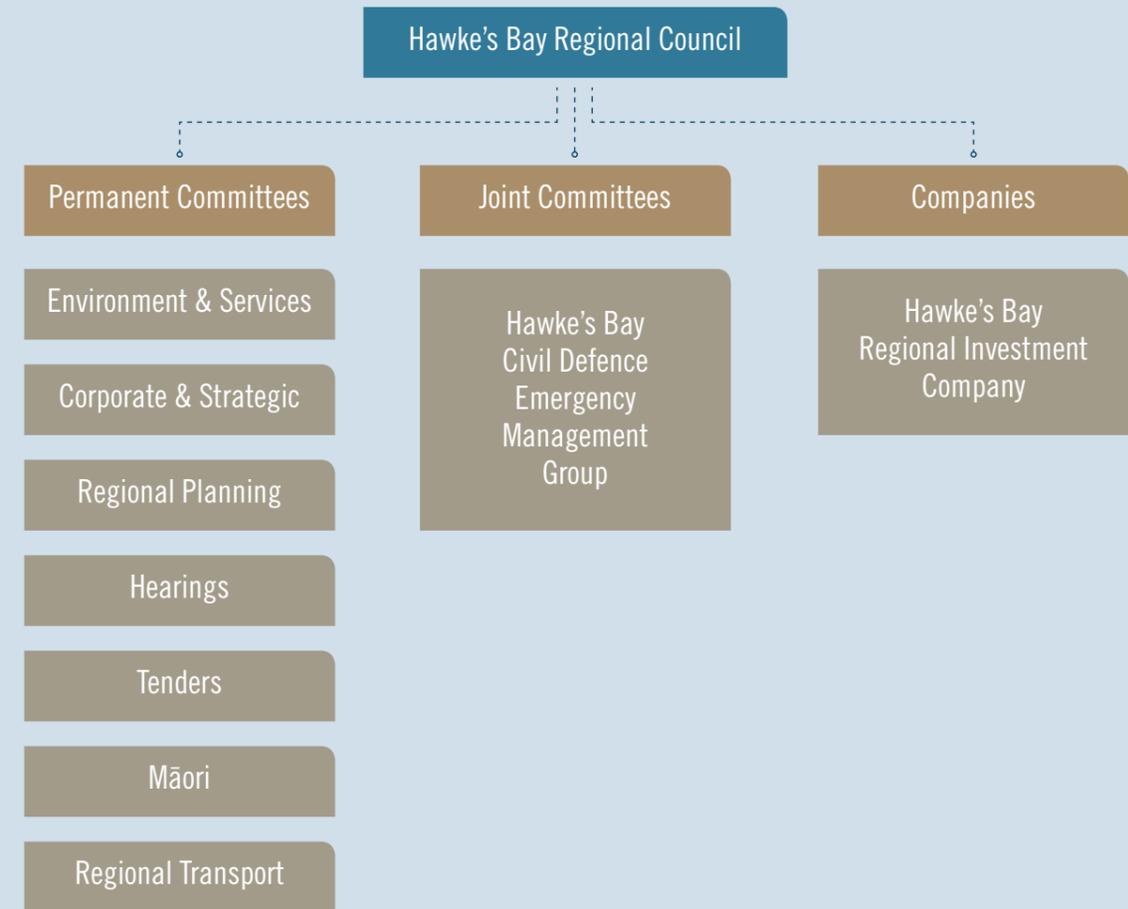
## 2.0 Statutory Context

The Hawke's Bay Regional Council is made up of nine representatives elected by the community through the local body elections every three years.

These elected members are responsible for developing or approving all major policies to enable the Council to achieve its goals of a prosperous region, a vibrant community and a clean and healthy environment. Elected members govern the region by participating in legally constituted meetings of the council and its committees. The members of council and its committees collectively exercise the powers, duties, authorities and responsibilities vested in the council by the Local Government Act, Resource Management Act and other Acts. Figure 1 (opposite) shows the Hawke's Bay Regional Council and Committee structure in 2013.

**The Regional Planning Committee will be permanently established through government legislation to recognise the unique background to the Committee arising from the recognition of cultural redress through Treaty claims. It has, however, been the Council and the Tāngata Whenua representatives, without mandate from the Crown that has established the Committee and developed the Terms of Reference.**

Figure 1: Council and Committee Structure



## 3.0 Establishment of the Regional Planning Committee

The Committee was established by Council resolution on 27 April 2011.

The Committee's inaugural meeting and Pōwhiri was held on 10 April 2012<sup>3</sup>. Unlike other Committees the Regional Planning Committee will not be disestablished before the October 2013 local government elections and will continue as a permanent committee.

Table 1 (overleaf) shows the history of Council resolutions in the establishment of the Committee and Terms of Reference development.

<sup>3</sup> The Powhiri was attended by the Honourable Christopher Finlayson Minister of Treaty of Waitangi Negotiations, Chief Crown Negotiators Pat Snedden and Paul Swain and members of the Regional Planning Committee.

## 4.0 Terms of Reference

The Terms of Reference (TOR) for the Regional Planning Committee specifically describe the purpose and structure of the Committee and the members' specific responsibilities.

Within the TOR there is no provision for alternate members or short-term replacements. This applies to Councillors and Tāngata Whenua representatives. Due to the nature of strategic planning and policy development, programmes for plan changes often span multiple years. To establish continuity and maintain momentum, it is important to have consistency of the people dealing with, and build knowledge of the issues over the course of a programme.

Another way in which the Committee is different to other Council committees is that there are two co-chairs. The Chairman of the Regional Council is one co-chair and the other co-chair is nominated by the Tāngata Whenua representatives (currently Mr

Toro Waaka from Ngāti Pāhauwera). The Committee operates on a 75% Quorum. A Quorum is the minimum number of members of a body that uses parliamentary procedure, necessary to conduct the business of that group. What that means is that 75% of the Committee members must be in attendance before the Committee can vote on any matter. There is an expectation of the Committee that all members will attempt to reach consensus on any matter before the Committee. However if consensus cannot be achieved, a majority of 80% is required for any vote of the Committee.

A copy of the Terms of Reference is included as Appendix A.

**Table 1: Council Resolutions Establishing the Committee**

Meeting date	Resolution
27 April 2011	Establishes a new Committee for Regional Planning, with membership comprising equal representation of Councillors, and non-councillors from the Tāngata Whenua representatives.
25 May 2011	Endorses the draft Terms of Reference as amended at this meeting, with the final wording to be brought back to the special meeting of the Strategic Planning and Finance Committee on 15 June 2011 as a basis for further negotiation with the Tāngata Whenua representatives.
29 June 2011	Endorses Draft Terms of Reference for the Regional Planning Committee, including amendments following discussion by Council on 25 May, as the basis for further discussion with Tāngata Whenua representatives.
21 September 2011	<ul style="list-style-type: none"> <li>Resolves to adopt the Terms of Reference for the Regional Planning Committee as amended from discussions at the Corporate and Strategic meeting.</li> <li>Resolves to endorse the Deed of Commitment and authorises the Chairman of Council to sign it on Council's behalf.</li> <li>Invites the Tāngata Whenua representatives' signatories to advise Council of their appointees to the Regional Planning Committee, for formal approval by Council.</li> <li>Instructs staff to bring back to Council, the proposals in relation to participation in voting.</li> </ul>
14 December 2011	Resolves to adopt the attached revised Terms of Reference for the Regional Planning Committee, noting that this Terms of Reference is interim until the permanent Committee is established through legislation.

## 5.0 Role of the Regional Planning Committee

The purpose of the Regional Planning Committee is to oversee the review and development of the regional policy statement and regional plans for the Hawke's Bay region, as required under the Resource Management Act 1991.

This is different from the role of the Māori Committee. The Māori Committee makes recommendations to Council on matters of relevance affecting Māori people of the region and helps fulfil the Māori consultative undertaking of Council, particularly with regard to the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). The Māori Committee does not deal with Council's planning documents.

**Membership of the Regional Planning Committee comprises equal numbers of Councillors and Tāngata Whenua representatives.** All Committee members have full speaking and voting rights. The Committee considers and recommends to Council strategies, policies, rules and other methods for inclusion into the Regional Resource Management Plan (which includes the Regional Policy Statement) and Regional Coastal Environment Plan. The Committee

also makes recommendations to Council to ensure the effective implementation of plans, processes, research, monitoring and enforcement to satisfy the requirements of the Resource Management Act 1991, National Policy Statements, National Environmental Standards and associated legislation.

Collectively the Committee is responsible for the form any Proposed Regional Plan, Coastal Plan, Plan Change or Variation may take and is responsible for recommending such documents to Council. Should the Council not adopt all or any part of the Committee's recommendations the Council must refer the document back to the Committee for further consideration. For this reason each member of the Committee, whether Council or Tāngata Whenua representative, has great input and influence on the strategic direction and management of regional resources in Hawke's Bay.

## 6.0 Membership Changes

Presently, there are a total of 18 members of the Committee. Of these nine are Regional Councillors and nine are Tāngata Whenua representatives.

The principle applies that at any given time the ratio will be an equal number of Councillors to Tāngata Whenua representatives. Currently there are only eight Tāngata Whenua representatives who attend meetings; a representative is yet to be nominated by Ngāi Tūhoe. It has also been proposed in the Draft Regional Planning Committee Bill that in the future the Committee will increase in size to 20 members to allow He Toa Takitini to have two seats on the Committee, one for Heretaunga and another for Tamatea. To balance the numbers the Council will also appoint another representative. Amendments to the Terms of Reference will be required to give effect to these changes.

**The Committee is serviced by the Council's secretariat and coordinated by Council's Group Manager External Relations.** Appendix B shows the general geographical location and areas of interest of Tāngata Whenua groups.

The Committee has had a number of changes to its membership over the past 12 months. Two changes to Treaty partner representation occurred at the 10 December 2012 meeting when Peter Paku replaced Dr Roger Maaka as the representative for He Toa Takitini and Nigel Baker replaced Colin Rangī as the representative for Ngāti Tūwharetoa Hapū Forum.

In April 2013 Councillor Eileen von Dadelszen, stepped down from her role in Council to take up a position as an Environment Court Commissioner. Mrs von Dadelszen's position within the Committee (and Council) was filled by Murray Douglas who was officially sworn in to Council on 10 June 2013 to fill the vacancy left by the resignation of Mrs von Dadelszen.

Table 2 shows members of the Regional Planning Committee, past and present, their affiliation and the number of meetings attended.

**Table 2: Committee Members During April 2012 to June 2013 Period**

Name	Affiliation	Meetings attended
Nigel Baker	Ngāti Tūwharetoa Hapū Forum	4 / 4
Karauna Brown	Ngāti Hineuru Iwi Incorporated	8 / 9
Alan Dick	Regional Councillor	6 / 9
Murray Douglas	Regional Councillor	0 / 0
Tim Gilbertson	Regional Councillor	7 / 9
Tania Hopmans	Maungaharuru-Tangitū Incorporated	8 / 9
Nicky Kirikiri	Te Toi Kura o Waikaremoana	9 / 9
Neil Kirton	Regional Councillor	8 / 9
Dr Roger Maaka	He Toa Takitini	1 / 2
Ewan McGregor	Regional Councillor	9 / 9
Peter Paku	He Toa Takitini	2 / 3
Colin Rangi	Ngāti Tūwharetoa HapūForum	3 / 6
Liz Remmerswaal	Regional Councillor	7 / 9
Kevin Rose	Regional Councillor	8 / 9
Christine Scott	Regional Councillor	8 / 9
Rangi Spooner	Mana Ahuriri Incorporated	9 / 9
Eileen von Dadelszen	Regional Councillor (now resigned)	8 / 8
Toro Waaka (Co-Chair)	Ngāti Pāhauwera Development and Tiaki Trusts	9 / 9
Fenton Wilson (Co-Chair)	Regional Councillor (Chairman)	9 / 9
Walter Wilson	Te Tira Whakaemi o Te Wairoa	9 / 9



Regional Planning Committee  
Pōwhiri. Councillors greet Tāngata  
Whenua representatives.  
10 April 2012



Council and Tāngata Whenua representatives have worked together to develop the capacity of Māori to contribute to decision-making processes.



## 7.0 Deed of Commitment

The Council's Long Term Plan 2012 - 2022 identifies the forming of strategic alliances with Māori as critical for improving Council's performance and effectiveness.

During the development of the Committee's Terms of Reference, Council and Tāngata Whenua representatives collectively agreed to a strategic alliance to work together for the benefit of the region. It was agreed that a fundamental requirement of any ongoing relationship required a formalising of that relationship. Subsequently and in tandem with developing the Terms of Reference for the Committee, a Deed of Commitment (included as Appendix C) was agreed upon and signed.

**The Deed formalises the values, principles and protocols that each party will abide by in fulfilling their responsibilities in the sustainable management of regional resources (economic, social, environmental and cultural) taonga tuku iho (those treasures handed down to us).**

Provision was made to enable Crown recognised mandated groups currently not members of the Committee to become parties to the Deed and subsequently to gain membership of the Regional Planning Committee. These groups would then become part of the strategic alliance and join in the co-governance of regional resources. The Deed involves meeting quarterly to discuss matters of concern to any party in addition to the Committee meetings. The Deed of Commitment was endorsed by Council on 21 September 2011. During the April 2012 to June 2013 period, no meetings were held under the auspices of the Deed of Commitment.

## 8.0 Budgets

The Committee is currently in an interim transitional phase until a Bill permanently forming the Committee is passed into legislation. During this transitional period the Crown has made a one-off payment of \$100,000 (excl GST) to the Council to cover Committee establishment costs and meeting and mandating expenses. Any unspent amount is to be transferred to the balance for the following year. Meeting fees for Tāngata Whenua representative members are paid from this fund.

Remuneration for the Tāngata Whenua representatives is currently based upon the Crown Fees Framework

and particularly Group 4, level 4 (Fees framework for members appointed to bodies in which the Crown has an interest). For 2012/2013, this was a daily rate of \$400. In addition, Council meets the travel (standard mileage rate) and other appropriate expenses for all members to attend Committee meetings.

Elected Councillors are remunerated at the rate set by the Remuneration Authority under Schedule 1 of the Local Government Elected Members (2012/13) (Certain Local Authorities) Determination 2012.

## 9.0 2012-2013 Meetings, workshops and topics considered

Between April 2012 and June 2013, the Committee met nine times including the inaugural meeting. The Committee has also held five workshops which have covered a number of topics providing training to members of the Committee who are not familiar with resource management and regional planning. Appendix D shows the workshop and meeting schedule and gives an indication of the topics covered.

Appendix E shows the location of each of the major river catchments where the Council is currently engaged in environmental planning activities and the Committee is actively considering work programmes.

## 9.1 Workshops and training

In total the Committee has held five workshop training sessions.

These sessions are closed (not open to the public). Table 3 summarises the focus of each workshop.

**Table 3: Committee Workshop Schedule**

Date	Workshop topic	Description
10 April 2012	The Resource Management Act 1991	An overview of the RMA, process, principles and responsibilities under the Act.
28 May 2012	Standing Orders	An overview of Standing Orders to familiarise the RPC on the conduct and process rules to be followed during meetings including how to raise issues and get resolutions proposed and passed.
2 Nov 2012	Draft Tukituki Plan Change 6	Focus on the first draft changes to the Regional Resource Management Plan to address land and water management issues in the Tukituki Catchment (Plan Change 6)
10 Dec 2012	Tukituki Catchment Proposal	Brief on the Tukituki Catchment Proposal (Ruataniwha Water Storage Project and the Tukituki Plan Change) and specifically to provide information underpinning the approach being taken for the Tukituki Plan Change. Brief on non-regulatory and regulatory approach in the Tukituki Catchment and its role in plan change implementation.
5 June 2013	Getting to know the Regional Policy Statement	An overview of the issues and content of the Regional Policy Statement. Plan development and Plan change procedures. The Environment Court and Water Conservation Orders.

## 10.0 How it all fits together

The Committee is currently considering topics and issues from a work programme that was approved before the Committee was established.

Figure 2 shows the Council's current work programme and indicative timeframes based on the implementation of the National Policy Statement for Freshwater Management programme for Hawke's Bay Regional Council. Processes under the Resource Management Act 1991 can be lengthy and so while the Committee

is new, the work programme that they are considering has been under development and on the table for some time. As the Committee brings new issues to the table, the work programme will begin to reflect the strategic aspirations of the Committee.

The Regional Resource Management Plan (RRMP) is the most significant resource planning document for all resource users in Hawke's Bay. It includes the Regional Policy Statement (RPS) and sets out a policy framework for managing resource use activities in an integrated manner across the whole of the Hawke's Bay

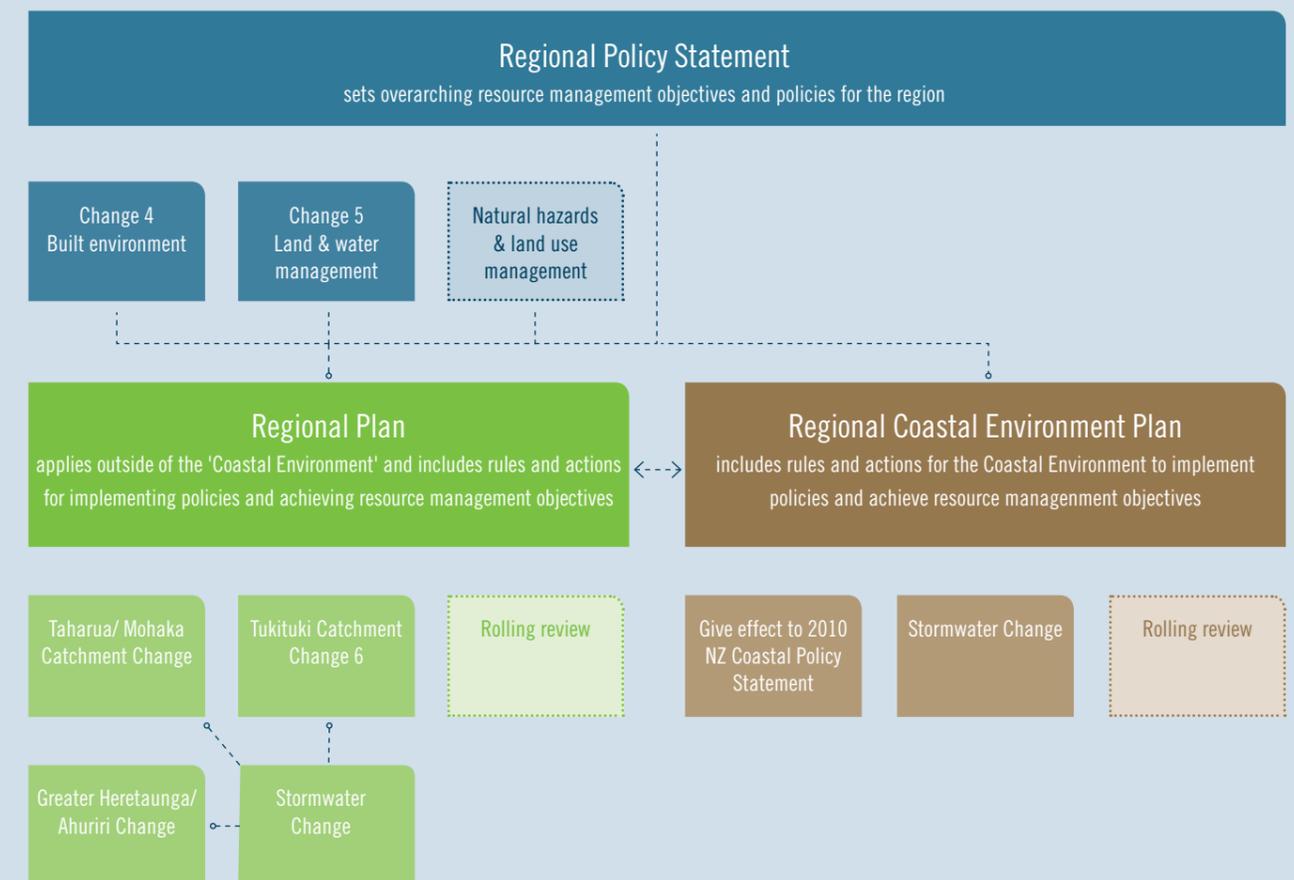
region. The RRMP was prepared under the Resource Management Act 1991. Figure 3 shows how the work programme shown in Figure 2 fits into the RRMP planning framework.

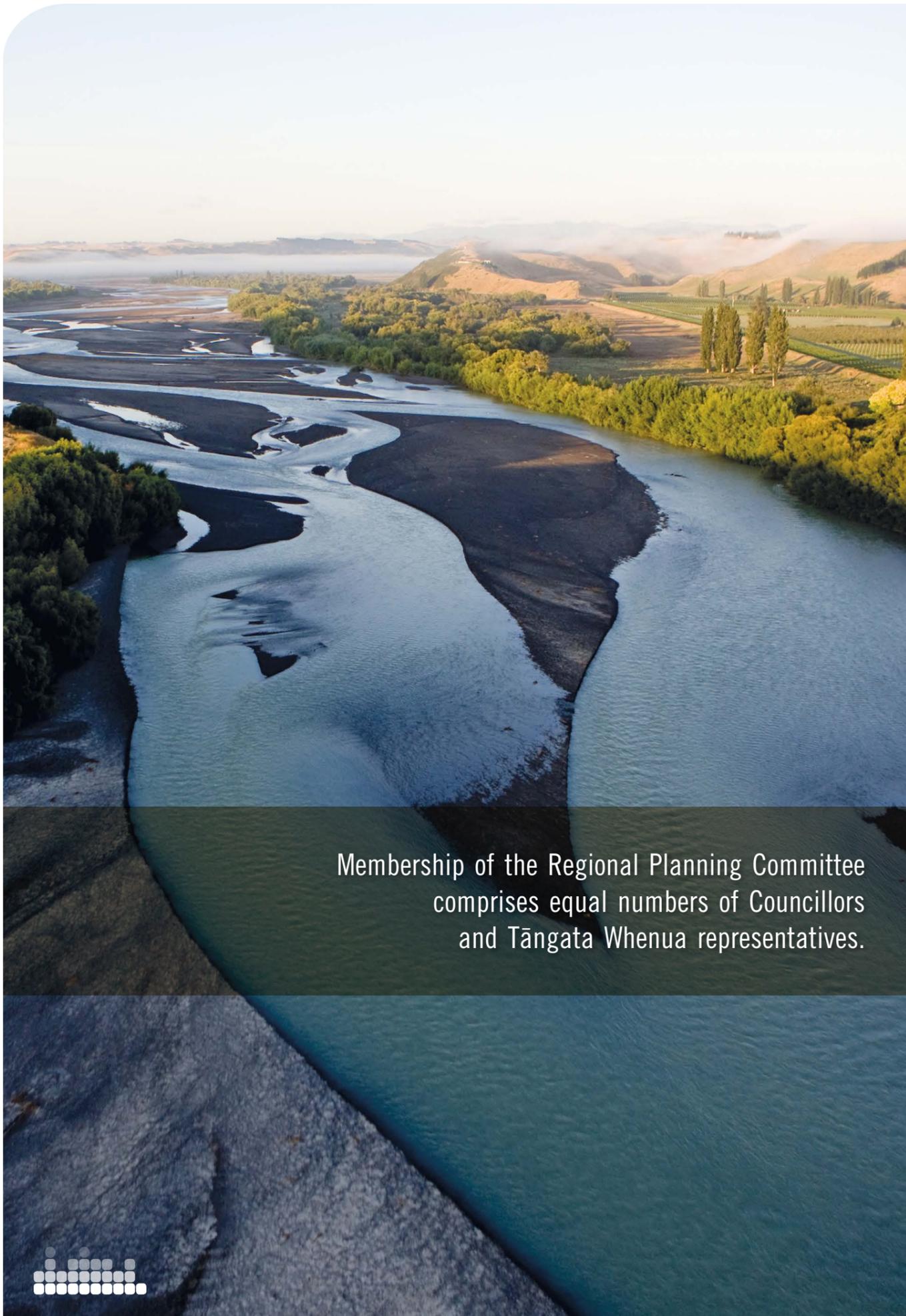
Figure 2: Current Council Work Programme



<sup>4</sup> RPS is the Regional Policy Statement.

Figure 3: Regional Resource Management Plan Framework





Membership of the Regional Planning Committee comprises equal numbers of Councillors and Tāngata Whenua representatives.



## 11.0 Regional Plan Changes

During the course of the year the Committee has considered and made recommendations to Council on a number of Regional Plan changes. These are outlined in the following sections.

### 11.1 Tukituki Catchment

#### Key Issues and drivers:

- Over allocation of surface water based on current allocation limits
- Excessive periphyton<sup>5</sup> growth adversely affecting swimming and fishing, particularly in the lower Tukituki
- Degraded mauri (life force) of the Tukituki River and its tributaries
- The need to understand the groundwater system and its surface water interactions
- Existing minimum flows may be too low to provide for native fish and trout habitat
- Reduced security of supply for existing irrigators if existing minimum flows need to be higher
- Economic impact of any reduced security of supply for irrigators
- Potential land development hindered by lack of water.

Since before 2008, Council has been working on a range of solutions for the Tukituki catchment to achieve positive environmental, social, cultural and economic outcomes that will give effect to the key principles of the Hawke's Bay Land and Water Management Strategy and the National Policy Statement for Freshwater.

In July 2012 the Committee first considered the delivery of the Tukituki Strategy and the proposed co-ordinated development of a Tukituki Plan Change and the Ruataniwha Water Storage project to achieve the objectives of that Strategy. Furthermore the Committee approved an approach to the Minister for the Environment seeking to have the proposed change for the Tukituki River Catchment and applications for all consents relating to the Ruataniwha Water Storage project considered as matters of national significance and to be determined by a Board of Inquiry.

The Committee supported the preparation of the 'Tukituki Choices' document which identified different land and water management scenarios for the Tukituki catchment and instructed staff to undertake specific consultation with Te Taiwhenua o Tamatea and Te Taiwhenua o Heretaunga.

The Committee has had ongoing input into policy and strategic planning relating to the Tukituki catchment and has made decisions which have influenced and shaped the form of the "Tukituki Choices" document and Tukituki Plan Change 6 to the Regional Resource Management Plan. Plan Change 6 is part of the Tukituki Catchment Proposal which has been called in as a proposal of national significance to be heard and determined by a Board of Inquiry in 2014.

<sup>5</sup> Periphyton is a complex mixture of algae, cyanobacteria, heterotrophic microbes and detritus that are attached to submerged surfaces in most aquatic ecosystems

## 11.2 Taharua/Mohaka Catchment

### Key Issues and drivers:

- Declining water quality of a nationally important river system and recognised water conservation order for outstanding fishery, scenic values and water based recreational activity
- Excessive nitrogen (N) loss from intensive land use (in the Taharua Catchment) adversely affecting outstanding fishery and causing excessive periphyton growth in the upper Mohaka River
- Highly erodible pumice soils in the Taharua Catchment contributing to sediment and phosphorus from land use activities resulting in a reduction of the clarity of the mid to lower Mohaka River.

In September 2012, the Committee gave in-principle support to an outlined Taharua management package and actions developed by major Taharua landowners with DairyNZ and Council staff. The Committee supported the development of a catchment-based plan change for a collaborative and adaptive approach to meet water quality objectives and targets within 15 years. This would be supported by “backstop”

regulation (whole farm consenting) for landowners who are not part of the collaborative voluntary process and performance review. The Committee also supported an Eco-n partnership to trial nitrification inhibitors (as a key nitrogen mitigation tool of the Catchment Management Plan) and supported an application to access a Ministry for the Environment (MfE) Clean-up Fund. Late in 2012 MfE declined the Clean-up Fund application and nitrification inhibitors were voluntarily and indefinitely withdrawn from the market, due to dicyandiamide (DCD) traces in milk powder. These two events have had significant implications in arriving at a set of policy solutions for the Catchment.

After considering further recommendations made by Council staff in June 2013, the Committee instructed staff to produce a “Taharua-Mohaka Choices” document for a public consultation process similar to, but learning from, the ‘Tukituki Choices’ process in 2012. The Choices document will assist policy-making through to 2014 and be an additional, non-statutory consultation stage.

## 11.3 Tūtaekuri, Ahuriri, Ngaruroro, Karamū Catchment (TANK)

This catchment is also commonly referred to as the “Greater Heretaunga/Ahuriri Catchment Area”.

### Key Issues and drivers:

- Balancing water demands across competing values and uses
- Setting water quantity and quality limits to meet community aspirations
- Managing water resources efficiently to maximise security of supply

The Committee was informed that a collaborative stakeholder process would be used to assist the Committee with its Plan Change decision making. This stakeholder group (the TANK Group) has now held 7 full day meetings and numerous small group meetings. Table 4 lists members of the TANK Group. Freshwater values, objectives, and policy options for the four catchments have been discussed and some interim agreements reached.

The Committee received further updates in February and June 2013 that provided further information on the National and Regional Water Management Context (RPS & NPSFM) and the challenges of balancing competing water demands in the catchments. The Committee was also informed that Fish and Game New Zealand are drafting a Water Conservation Order (WCO) application for the Ngaruroro catchment. Indications are that the WCO would cover the full Ngaruroro catchment including tributaries (and potentially the lower section of the Karamū).

The TANK Group will publish a summary document of its findings and interim agreements for the Committee to consider before the end of the year.

Table 4: TANK Group Members

Member	Organisation
Aki Paipper	Ngāti Hori ki Kohupātiki
Brett Gilmore	Hawke's Bay Forestry
Bruce Mackay	Heinz-Wattie's
Councillor Christine Scott	Hawke's Bay Regional Council
David Carlton	Department of Conservation
Diane Vesty	Hawke's Bay Fruit Growers
Helen Codlin	Hawke's Bay Regional Council
Hugh Ritchie	Federated Farmers
Ivan Knauf	Dairy sector
Jenny Mauger	Ngā Kaitiaki o te Awa a Ngaruroro
Jeff van Beek	Twyford Irrigators Group
Joella Brown	Te Roopu Kaitiaki o to Wai Māori
Johan Ehlers	Napier City Council
John Cheyne	Te Taiao Hawke's Bay Environment Forum
Leon Stallard	Hawke's Bay Fruitgrowers Association
Marei Apatu	Te Taiwhenua o Heretaunga
Mark Clews	Hastings District Council
Mike Butcher	Pipfruit New Zealand
Mike Glazebrook	Ngaruroro Water Users Group
Morry Black	Ngāti Kahungunu Iwi Inc.
Councillor Murray Douglas	Hawke's Bay Regional Council
Neil Eagles	Royal Forest and Bird Society, Napier
Councillor Neil Kirton	Hawke's Bay Regional Council
Ngaio Tiuka	Ngāti Kahungunu Iwi Inc.
Dr Nick Jones	Hawke's Bay District Health Board
Nikola Bass	Heinz-Wattie's
Peter McIntosh	Fish and Game Hawke's Bay
Peter Paku	Ruahapia
Phil Holden	Gimblett Gravels Grape Growers Association
Scott Lawson	Hawke's Bay Vegetable Growers Association
Tim Sharp (Convenor)	Hawke's Bay Regional Council
Vaughan Cooper	Royal Forest and Bird Society, Hastings/Havelock
Wayne Ormsby	Mana Ahuriri Inc.
Xan Harding	Hawke's Bay Winegrowers

## 12.0 Regional Policy Statement

A regional policy statement (RPS) is a document required by law that sets resource management directions for a region.

An RPS identifies the significant regional resource management issues, and sets out objectives, policies and methods for addressing these issues to achieve integrated management of natural and physical resources within the region. Regional policy statements must give effect to national policy statements and be consistent with water conservation orders.

Through the course of the year the Committee has considered and provided recommendations on two changes to the Regional Policy Statement.

### 12.1 Change 4: Built Environment

Change 4 introduces new provisions relating to the built environment and infrastructure into the Regional Policy Statement parts of the Hawke's Bay Regional Resource Management Plan and assists in the implementation of the Heretaunga Plains Urban Development Strategy (HPUDS). Change 4 was notified on 7 December 2011 and decisions issued on 26 March 2013. One appeal was lodged against the Council's decision.

The Committee only became involved with Change 4 at the appeals stage of the process and delegated to the Group Manager Strategic Development (and any legal counsel acting as the Group Manager's agent) the authority to sign, on behalf of Council, any mediated agreement in relation to the appeal, from Transpower New Zealand Limited.

### 12.2 Change 5: Land Use and Freshwater Management

Change 5 relates to 'land use and freshwater management.' It incorporates relevant elements of the Hawke's Bay Land and Water Management Strategy to provide a framework for the integrated management of land and water on a catchment basis and sets the regional context for values associated with the region's freshwater resources. After a series of discussions the Committee recommended to Council that Change 5 and Section 32 report should be publicly notified.

At the Committee meeting in February 2013, Council staff sought the Committee's recommendations on

appointments to form a Panel of accredited RMA hearing commissioners to hear submissions made to Change 5. Professor Roger Maaka and Mike Mohi were appointed as two of the RMA accredited hearings commissioners along with Dennis Nugent (independent Chairman) forming a Panel to hear submissions on Change 5. Council adopted the Panel's recommendations as its own decisions in May 2013 and these were released on 5 June 2013. As of 18 July 2013, four appeals<sup>6</sup> against the Council's decisions had been lodged with the Environment Court.

<sup>6</sup> Appeals lodged by Federated Farmers of NZ; Hawke's Bay Fish and Game Council; Horticulture NZ; and Ngāti Kahungunu Iwi Inc.

## 13.0 Other Matters Considered

Table 5 sets out other matters that have been discussed and considered by the Committee during the April 2012 to June 2013 period.

Table 5: Ongoing Committee Business

Date	Topic	Description
Ongoing	Commissioner training and accreditation for RMA hearings	<p>The Regional Planning Committee's responsibilities include recommending to Council the membership of hearing panels to hear and decide upon submissions on proposed Changes to plans and policy statements. The Panel members must be appropriately trained and eligible (accredited) commissioners, which may include members of the Regional Planning Committee.</p> <p>At the Committee's meeting in September 2012, many members indicated a positive interest in participating in a programme for becoming certified resource management hearing commissioners. In December 2012, MfE awarded the 'Making Good Decisions' (MGD) commissioner accreditation training programme to the Opus Business School. Opus has been approached to hold the MGD introductory programme in Napier. No dates have been confirmed as yet.</p>
Ongoing	Regional Planning Committee in legislation	<p>The Office of Treaty Settlements is consulting with the Council and Tāngata Whenua representatives about legislative proposals for the permanent establishment of the Committee. It is proposed that the Committee would be a committee of Hawke's Bay Regional Council within the meaning of clause 30 (1) (b) of Schedule 7 to the Local Government Act 2002. Once drafted the Bill is required to be introduced to Parliament then go through a Select Committee process. It was anticipated that legislation would be passed before the 2013 Local Government elections however delays have extended the timeframes.</p>

## 14.0 Work Programme 2013-2014

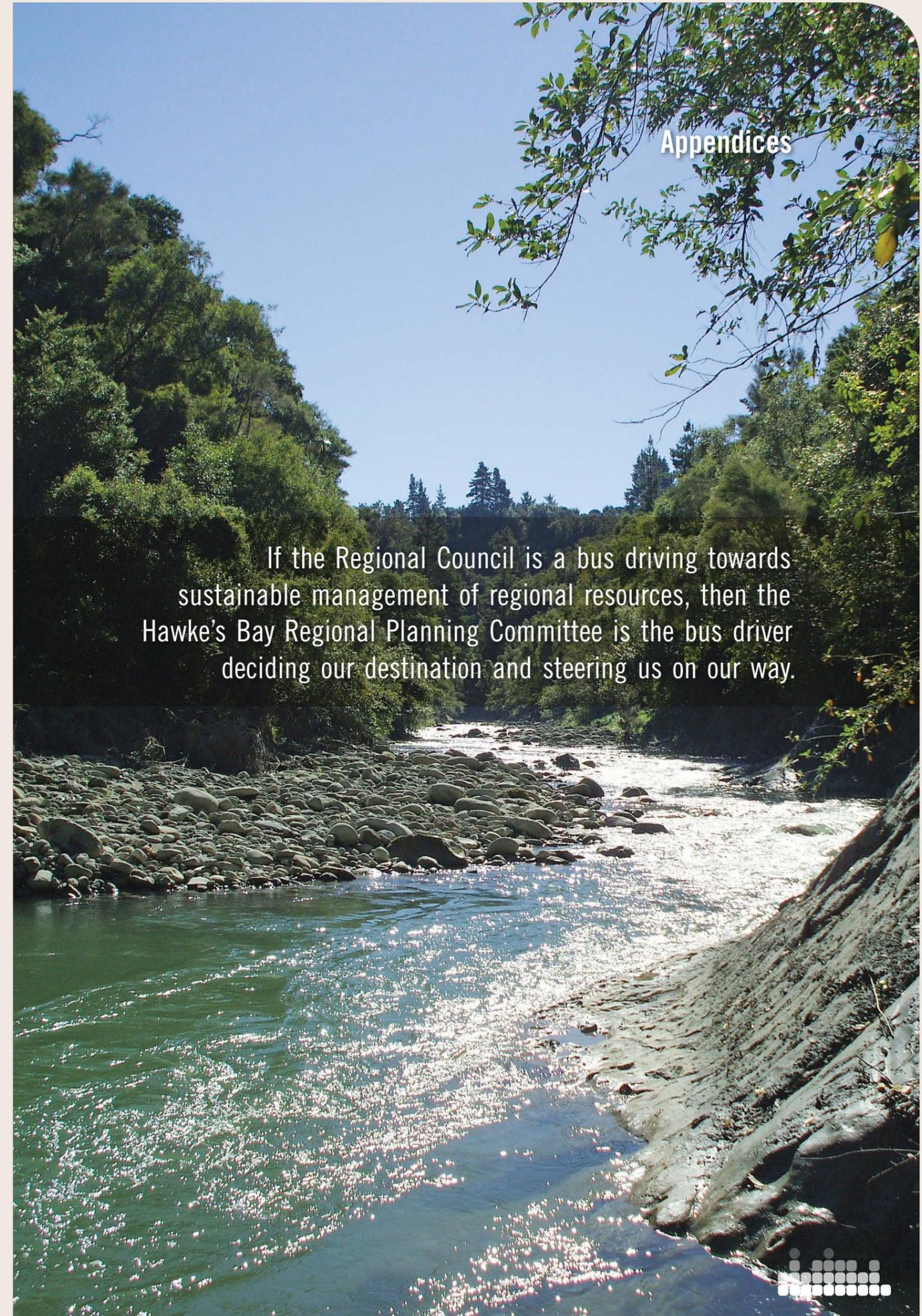
The Regional Planning Committee's work programme for the coming year is dependent on when individual work streams are completed compared to their indicative timeframes.

Table 6 sets out the Committee's anticipated work programme for 2013-2014 based on the National Policy Statement for Freshwater Management Implementation Programme for Hawke's Bay Regional Council.

**Table 6: Anticipated Work Programme 2013-2014**

Topic	Description
Regional Policy Statement Change 4 (Built Environment)	Appeals on decisions made in 2012-2013
Regional Policy Statement Change 5 (Land use and water)	Appeals on decisions made in 2012-2013
Plan Change: Taharua/Mohaka River catchment	Policy development
Plan Change: Tukituki Catchment (EPA Process)	Information only
Plan Change: Greater Heretaunga/Ahuriri (TANK)	Policy development & public notification
Plan Change Urban Stormwater	Policy development & public notification
RPS and/or plan change: 2012 NZ Coastal Policy Statement implementation	Policy development
Biodiversity Strategy	Strategy development
RPS and/or plan change: Biodiversity (significant wetlands)	Policy development
RPS Change for outstanding freshwater bodies	Policy development

## Appendices



If the Regional Council is a bus driving towards sustainable management of regional resources, then the Hawke's Bay Regional Planning Committee is the bus driver deciding our destination and steering us on our way.

## Appendix A Regional Planning Committee - Terms of Reference

[adopted 21 March 2012]

### a) Introduction

Through its Treaty of Waitangi settlement negotiations with the Tāngata Whenua of the Hawke's Bay, in conjunction with the Council, the Crown has committed to introduce legislation to establish a permanent Regional Planning Committee (Permanent Committee) to draft and recommend to the Council plan and policy changes that affect natural resources in the Hawke's Bay region.

Legislation will be introduced to make the Permanent Committee permanent. Negotiations on terms of reference of the Permanent Committee are yet to be concluded. However, in the meantime, the Council and the Member Tāngata Whenua Groups have agreed to establish the Committee with interim terms of reference to begin working together on the matters set out at b) to d) following. These terms of reference will be superseded by terms of reference of the Permanent Committee when legislation is enacted to give effect to agreements reached in respect of the Permanent Committee. These terms of reference may be amended by the Council and the Member Tāngata Whenua Groups in accordance with (n) following.

### b) Purpose

To oversee the review and development of the Regional Policy Statement and Regional Plans for the Hawke's Bay region, as required under the Resource Management Act 1991.

### c) Process

The Committee is responsible for preparing Proposed Regional Plans and Proposed Regional Policy Statements, or any Plan Changes or Plan Variations, and recommending to the Council the adoption of those documents for public notification, as provided for further in paragraph (d) following. In the event that the Council does not adopt all or any part of any Proposed Regional Plan, Proposed Regional Policy Statement, Plan Change or Plan Variation or other recommendation, the Council shall refer such document or recommendation in its entirety back to the Committee for further consideration, as soon as practicable but not later than two months after receiving a recommendation from the Committee.

### d) Specific Responsibilities

- To implement a work programme for the review of the Council's Regional Plans and Regional Policy statements prepared under the Resource Management Act 1991.
- To prepare any changes to the Regional Resource Management Plan, including the Regional Policy Statement.
- To prepare any Plan Variations to the Proposed Regional Coastal Environment Plan.
- To prepare Plan Changes to the Regional Coastal Environment Plan as required, once it is operative.
- To oversee consultation on any draft Proposed Regional Plan, Proposed Regional Policy Statement, Plan Change or Plan Variation (prior to notification).
- To recommend to Council for public notification any, Proposed Regional Plans, Proposed Regional Policy Statements, Plan Changes or Plan Variations.
- In accordance with the process outlined above, to review any documents which the Council may refer back to the Committee for further consideration.
- To recommend to Council the membership of Hearings Panels, from appropriately trained and eligible commissioners, to hear and decide upon submissions on Proposed Regional Plans, Proposed Regional Policy Statements, Plan Variations and Plan Changes (which may include members of the Committee).
- To determine the scope for the resolution and settlement of appeals on Proposed Policy Statements, Proposed Regional Plans, Plan Variations and Plan Changes.
- When required, to recommend to Council that officers be delegated with the authority to resolve and settle any appeals and references through formal mediation before the Environment Court.
- To monitor the effectiveness of provisions of Regional Policy Statements and Regional Plans in accordance with section 35 of the Resource Management Act and incorporate the monitoring outcomes into a review of the Committee's work programme.

### e) Membership

- Tāngata Whenua representatives, each appointed by Council on nomination by a Member Tāngata Whenua Group.
- Councillor members equal to the number of Tāngata Whenua representatives appointed at any time.

The principle which applies is that there shall be equal numbers of Councillor members and Tāngata Whenua representatives on the Committee at any time.

### f) Chairperson and Deputy Chairperson (Transition Period: April 2012 - December 2012)

- During the transition period the Chair of the Committee will be appointed by Council from Councillor members. The Deputy Chairperson will be appointed by Council on nomination from the Tāngata Whenua representatives.

### g) Chairperson (January 2013 – enactment of legislation and establishment of the Permanent Committee)

From the end of the transition period until the establishment of the Permanent Committee the Committee will have two Co-Chairs:

- a Councillor member of the Committee appointed by the Councillor members; and
- a Tāngata Whenua Representative appointed by Council on nomination from the Tāngata Whenua representatives.

Each Co-Chair shall preside at meetings of the Committee on a pre-arranged basis. This arrangement will presume that the Co-Chairs will be responsible for separate areas of policy development and each will preside over a meeting as their relevant portfolio areas are discussed.

### h) Term of Membership

Membership of the Committee (both Councillor members and Tāngata Whenua representatives) shall be reviewed following the 2013 triennial election of Councillors, unless the Permanent Committee has already been established. The Council will review the appointment of its Council members, and Member Tāngata Whenua Groups will review the appointment of their respective Tāngata Whenua representatives. However, it is recognised that the Tāngata Whenua are nominated for appointment by their respective

Member Tāngata Whenua Groups from time to time (and not necessarily triennially), and in accordance with the processes of their respective Member Tāngata Whenua Groups.

### i) Quorum

75% of the members of the Committee.

### j) Voting Entitlement

Best endeavours will be made to achieve decisions on a consensus basis, or failing consensus, the agreement of 80% of the Committee members in attendance will be required. Where voting is required all members of the Committee have full speaking rights and voting entitlements. Standing Orders 2.5.1(2) and 3.14.2 which state: "The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, also has a casting vote" do NOT apply to the Regional Planning Committee.

### k) Special Terms of Reference

- The role of the Committee, and all members of the Committee, is to objectively overview the development and review of proposed policy statements, plans, variations and plan changes in accordance with the requirements of the Resource Management Act 1991. In particular the Committee must apply the purpose and principles of the Act and section 32 to its decision-making.
- The Committee, when recommending the appointment of hearings panels, shall recommend members for their particular skills, attributes or knowledge relevant to the work of the panel and shall so far as possible ensure that no member is open to perceptions or allegations of bias or predetermination.
- It is not intended that the participation of Tāngata Whenua representatives on the Committee be a substitute for any consultation with iwi required under the First Schedule of the Resource Management Act 1991.

### l) Meeting Frequency and Notice

As required in order to achieve the Plan and Policy Development work programmes. Notice of meetings will be given well in advance in writing to all Committee members, and not later than 1 month prior to the meeting.

**m) Review of these Terms of Reference**

The Terms of Reference for the Committee will be reviewed by the Councillor members and the Tāngata Whenua representatives in April 2013 to determine whether the Committee is fulfilling the objectives of the Council and Tāngata Whenua.

**n) Amendments to these Terms of Reference**

The Councillor members or Tāngata Whenua representatives may request changes to the Terms of Reference. Amendments to the Terms of Reference may only be made with the approval of:

- the Councillors at a Council meeting; and
- the Tāngata Whenua representatives at a hui called for that purpose.

**o) Technical support**

The Committee will have full access to Council staff, through the relevant Group Managers, to provide any technical support required in order to achieve the Committee's purpose, as set out in paragraph (b) above.

**q) Terms of Reference Interim**

These Terms of Reference are interim only and will be superseded by the Terms of Reference for the Permanent Committee.

**r) Officer Responsible**

Group Manager Strategic Development.

## GLOSSARY to Appendix A

**Proposed Regional Plan / Proposed Regional Policy Statement**

A proposed regional plan or proposed regional policy statement is a document that has been issued by the Council and 'proposed' as the Council's official position. To be legally proposed, a document must be publicly notified so people can make submissions.

**Plan Variation**

A plan variation is when a Council proposes a further change to a plan or policy statement that is still in the 'proposed stage' and has yet to be finalised.

**Operative Regional Plan / Operative Regional Policy Statement**

In relation to a regional plan or a regional policy statement, means that it has been through the public submission, hearings and Court processes and has full effect.

**Plan Change**

Is when a Council proposes changes to an operative plan or policy statement.

**Hearings Panel**

Is a panel appointed to hear public submissions on any Proposed Plan, Proposed Policy Statement, Plan Change or Plan Variation. It may be made up of any number of people, and may include Committee members, independent commissioners, or a mix of the two.

**Member Tāngata Whenua group**

Means a Crown recognised mandated group representing Tāngata Whenua interests within the Hawke's Bay region, mandated for the purpose of negotiating with the Crown for a settlement of claims under the Treaty of Waitangi, being:

- Mana Ahuriri Incorporated (representing the Ahuriri Hapū);
- Maungaharuru-Tangitu Incorporated representing the Maungaharuru-Tangitu Hapū);
- Ngāti Hineuru Iwi Incorporated (representing Ngāti Hineuru);
- on an interim basis and only to the extent set out in the Deed of Commitment [ ] between HBRC, Tāngata Whenua Parties and the Crown, Te Toi Kura o Waikaremoana (representing Ruapani ki Waikaremoana); and

- Any other group which becomes a Tāngata Whenua Party to the Deed of Commitment dated [ ] between HBRC, Tāngata Whenua Parties and the Crown by executing a Deed of Accession set out in Schedule 1 of that Deed.

**PSGE**

Means a post settlement governance entity which has taken over responsibility from a Member Tāngata Whenua Group for representing Tāngata whenua interests, being:

- The Trustees of the Ngāti Pāhauwera Development Trust (representing Ngāti Pāhauwera); and
- Any other entity which becomes a Tāngata Whenua Party to the Deed of Commitment dated [ ] between HBRC, Tāngata Whenua Parties and the Crown by executing a Deed of Replacement set out in Schedule 2 of that Deed

**Tāngata Whenua representatives**

Means each representatives nominated by:

- a. a Member Tāngata Whenua Group; or
- b. a PSGE.

**The Council**

Means the Hawke's Bay Regional Council.

**The Permanent Committee**

Means the Permanent Regional Planning Committee referred to in the Deed of Settlement with Ngāti Pāhauwera signed 17 December 2010 (clause 5.22 and clauses 3.19-3.28 of the Provisions Schedule) and Agreement in Principle with Maungaharuru-Tangitu Hapū signed 22 September 2011 (clause 5.41 and Schedule 4).

**Regional Resource Management Plan**

Includes the Regional Policy Statement which relates to air, fresh water, gravel and land.

**Regional Policy Statement**

Is the document that sets the basic direction for environmental management in the region. This also includes the Māori Dimension. It does not include rules.

**Regional Plan**

A document that sets out how the Council will manage a particular aspect of the environment, like the coast, soil, rivers or the air. Can include rules.

**Regional Coastal Environment Plan**

A document that sets out how the Council will manage the coast. Can include rules.

## Appendix B Geographical Location of Tāngata Whenua representatives



## Appendix C Deed of Commitment

Amendments 01.03.2012  
marked up to show changes from draft from Crown (discussed at hui 29.02.2012)

### Deed of Commitment

#### BETWEEN

Hawke's Bay Regional Council ("HBRC")

AND

Mana Ahuriri Incorporated on behalf of the Ahuriri hapū  
Maungaharuru-Tangitu Incorporated on behalf of the Maungaharuru-Tangitu hapū  
Ngāti Hineuru Iwi Incorporated on behalf of Ngāti Hineuru  
Trustees of the Ngāti Pāhauwera Development and Tiaki Trusts on behalf of Ngāti Pāhauwera  
(each a "Tāngata Whenua Party" and together the "Tāngata Whenua Parties")

AND

Te Toi Kura o Waikaremoana on behalf of Ruapani ki Waikaremoana  
(as an "Interim Tāngata Whenua Party")

#### INTRODUCTION

The tāngata whenua of Hawke's Bay and the HBRC care deeply about Hawke's Bay and its environment. We all have responsibilities around the management of resources that we believe are best met by working together.

The HBRC has delegated responsibility from the Crown under legislation for various matters (as set out in clause 2.8 of this Deed), including the management of the natural and physical environment under the Resource Management Act 1991.

In recognition of the Treaty of Waitangi and the relationship between tāngata whenua and the management of natural resources, a joint approach to that management is being developed by the parties. This joint approach includes the establishment of a committee of the HBRC to develop and review policy statements and plans prepared under the Resource Management Act, as set out in clause 4 of this Deed.

This Deed is between the HBRC and recognised groups with tāngata whenua interests in the Hawke's Bay region which have been mandated to negotiate a comprehensive settlement of their respective historical Treaty of Waitangi claims.

Ruapani ki Waikaremoana have tāngata whenua interests in the Hawke's Bay region and Te Toi Kura o Waikaremoana is currently working towards achieving a Crown recognised mandate to negotiate a comprehensive settlement of the Ruapani ki Waikaremoana historical Treaty of Waitangi claims. Ruapani ki Waikaremoana, through Te Toi Kura o Waikaremoana, have expressed a desire to be involved in the commitments set out in this Deed from an early stage. The parties in good faith therefore agree that Te Toi Kura o Waikaremoana on behalf of Ruapani ki Waikaremoana are an Interim Tāngata Whenua Party and are to be treated as a Tāngata Whenua Party for the purposes of

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marked up to show changes from draft from Crown (discussed at hui 29.02.2012)

this Deed except for clause 3.9. For the sake of clarity, Te Toi Kura o Waikaremoana will cease to be an Interim Tāngata Whenua Party once Ruapani ki Waikaremoana achieve a Crown recognised mandate, and the mandated body and will be required to complete a Deed of Accession as set out in Schedule 1.

This Deed of Commitment is prepared and agreed to by all parties in good faith as a measure of our commitment to working together for the long-term benefit of the Hawke's Bay region. In working together, the parties will be guided by the following vision, principles and protocols.

## 1 VISION

*Ko te tohu Rangatira, ko te oranga o te Taiao*

Our achievement will be measured by how well we look after our environment.

## 2 PRINCIPLES

2.1 The parties will abide by the following principles.

### Tino Rangatiratanga and Kaitiakitanga

2.2 The HBRC acknowledges the tino rangatiratanga of the Tāngata Whenua Parties and their responsibility to exercise kaitiakitanga for the benefit of present and future generations.

2.3 The Tāngata Whenua Parties recognise the role of the HBRC in representing the interests of the regional community.

### Representation

2.4 The basis of the relationship between the parties will be between elected representatives of the HBRC and appointed representatives of the Tāngata Whenua Parties in the region.

### Tikanga

2.5 In our relationship we will respect and observe tikanga. We will work side by side following the guidelines in the Māori Dimension section of the Regional Policy Statement.

### Sustainable Management

2.6 We acknowledge the need for a strong regional economy and good social outcomes in decision making and recognise that such outcomes must be based on the sustainable management of the natural and physical environment.

### Treaty of Waitangi and its principles

2.7 We also acknowledge the importance of the provisions relating to the Treaty of Waitangi and its principles in various pieces of legislation, and the need to give full effect to those provisions and principles in the management of our natural and physical environment.

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## Legislation related to HBRC

2.8 The functions, duties and powers of the HBRC are primarily contained within the following Acts:

- a) Biosecurity Act 1993;
- b) Building Act 2004;
- c) Civil Defence Emergency Management Act 2002;
- d) Hawke's Bay Endowment Land Empowering Act 2002;
- e) Land Drainage Act 1908;
- f) Land Transport Management Act 2003, and Land Transport Management Amendment Act 2008;
- g) Local Electoral Act 2001;
- h) Local Government Act 2002;
- i) Local Government Official Information Meetings Act 1987;
- j) Local Government (Rating) Act 2002;
- k) Maritime Transport Act 1994;
- l) Resource Management Act 1991;
- m) Soil Conservation and Rivers Control Act 1941; and
- n) Transport Services Licensing Act 1989.

## Mutual Respect and Understanding

2.9 The parties are committed to quality engagement with each other and undertaking training to ensure that the parties understand each other and the processes of Council. To meet the cost of such training the HBRC will make provision annually in its budgeting processes.

## Equality of Resources

2.10 The parties agree that all parties need to be equally resourced to participate under this Deed and will work collaboratively to ensure that this is the case.

## Living Document

2.11 This Deed of Commitment is a living document and will evolve as the relationship between the parties evolves over time. The development of such relationship includes, but is not limited to the following.

- a) Further Tāngata Whenua Parties can be added as set out in clause 3.12.
- b) The Terms of Reference for the Permanent Committee, referred to at clause 4.2 below, are yet to be drafted, and it is hoped that all of the groups referred to at clause 3.11 will participate in negotiations.

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### 3 PROTOCOLS

3.1 In our relationship the following protocols will be observed.

#### Confidentiality and communications

3.2 We agree that all information communicated to one party by another party in any manner in connection with this Deed will be kept confidential and used by the recipient party only for the purposes of this Deed.

3.3 The consent of all parties will be required before any public announcement is made about any aspect of the relationship between the parties.

#### Hui

3.4 The HBRC and Tāngata Whenua Parties will meet on a quarterly basis (in addition to any other committee meetings of the HBRC that we may be involved in).

#### Representatives

3.5 Consistency of representation is preferred to enable the strengthening of relationships.

3.6 The HBRC representatives at the quarterly meetings will be the Chairperson, the Chief Executive Officer and the Group Manager: External Relations.

3.7 Each Tāngata Whenua Party will advise the other parties of the representative that party has appointed to attend the quarterly meetings on their behalf, and any changes to that appointment.

#### Disputes

3.8 Should any issue arise in relation to the subject matter of this Deed, the parties will consult in good faith with each other and attempt to resolve such issues.

#### Amendment

.9 This Deed may be amended by agreement of the parties.

#### Changes or additions to Tāngata Whenua Parties

.10 The initial Tāngata Whenua Parties to this Deed are :

- a) Mana Ahuriri Incorporated on behalf of the Mana Ahuriri hapū;
- b) Maungaharuru-Tangitu Incorporated on behalf of the Maungaharuru-Tangitu hapū;
- c) Ngāti Hineuru Iwi Incorporated on behalf of Ngāti Hineuru;
- c) The Trustees of the Ngāti Pāhauwera Development Trust on behalf of Ngāti Pāhauwera; and
- d) Te Toi Kura o Waikaremoana on behalf of Ruapani ki Waikaremoana (as an Interim Tāngata Whenua Party as set out in the Introduction, above).

.11 There are other Crown-recognised groups with tāngata whenua interests in the Hawke's Bay region mandated to negotiate a comprehensive settlement of their respective historical Treaty of Waitangi claims, which may not currently be in a position to sign this Deed, even though they support its intention.

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.12 Each of those groups may be joined to this Deed at a later date by executing a Deed of Accession with the parties to this Deed, substantially in the form set out in Schedule 1 to this Deed.

3.13 When a group becomes a party to this Deed in accordance with clause 3.12, it shall be deemed to be a Tāngata Whenua Party for the purposes of this Deed.

3.14 Each Tāngata Whenua Party is, or will be, negotiating a comprehensive settlement of its historical Treaty of Waitangi claims with the Crown. As a result of their settlements, it is likely that a new post settlement governance entity ("PSGE") will be established which may assume some or all of the roles currently performed by that Tāngata Whenua Party. It is agreed that a Crown recognised PSGE shall replace a Tāngata Whenua Party and be joined to this Deed by executing a Deed of Replacement with the parties to this Deed, substantially in the form set out in Schedule 2 to this Deed. This clause does not apply to the Trustees of the Ngāti Pāhauwera Development and Tiaki Trusts which together are the PSGE for Ngāti Pāhauwera.

3.15 Upon receipt of such Deed of Replacement by the parties in accordance with clause 3.14, such Tāngata Whenua Party shall cease to be a party to this Deed and the PSGE will be deemed to be a Tāngata Whenua Party for the purposes of this Deed.

#### Communications

3.16 Upon the signing of this Deed, each party will notify the others of their contact details including the name of their contact person, for the purpose of communications between the parties under this Deed. Any changes to those contact details should be notified to all parties.

3.17 All communications made in relation to this Deed shall be made in writing.

### 4. JOINT REGIONAL PLANNING COMMITTEE

4.1 As part of Treaty Settlement negotiations with some of the tāngata whenua of Hawke's Bay, the Crown, in conjunction with HBRC, has committed to establish a Permanent Joint Regional Planning Committee ("the Permanent Committee") to draft and recommend to the HBRC plan and policy changes that affect natural resources in the region.<sup>1</sup> The Crown has advised that the Permanent Committee is a redress mechanism available for inclusion in other Treaty settlement negotiations in the region.

4.2 Empowering legislation is to be introduced before 30 June 2013 to:

- a) provide that the Permanent Committee is permanent; and
- b) give effect to any other aspects of the Permanent Committee that require legislative empowerment.

4.3 The Permanent Committee will make provision for the following members:

- a) One member appointed by Mana Ahuriri Incorporated on behalf of the Mana Ahuriri hapū;

<sup>1</sup> Refer to Deed of Settlement of the Historical Claims of Ngāti Pāhauwera, dated 17 December 2010, and Agreement in Principle between Maungaharuru-Tangitu Incorporated, dated 22 September 2011.

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marked up to show changes from draft from Crown (discussed at hui 29.02.2012)

- b) One member appointed by Maungaharuru-Tangitu Incorporated on behalf of the Maungaharuru-Tangitu hapū;
- c) One member appointed by Ngāti Hineuru Iwi Incorporated on behalf of Ngāti Hineuru;
- d) One member appointed by the Trustees of the Ngāti Pāhauwera Development and Tiaki Trusts on behalf of Ngāti Pāhauwera;
- e) One member appointed by the Crown recognised group mandated to negotiate a comprehensive settlement of the Ruapani ki Waikaremoana historical Treaty of Waitangi claims;
- f) One member appointed by each of the groups referred to at clause 3.11 (Changes or Additions to Tāngata Whenua Parties), as and when such groups wish to become party to this Deed and the Permanent Committee; and
- g) A number of Councillors appointed by the Council and equal at any time to the total number of members referred to at paragraphs a) to f) above.

4.4 The Terms of Reference which will set out the details of the Permanent Committee are still to be negotiated and it is important that all groups referred to at clause 3.11 (Changes or Additions to Tāngata Whenua Parties), are able to participate if they wish to do so.

4.5 In the meantime, the parties wish to establish an interim version of the committee that does not require legislative empowerment ("the Interim Committee"). This will enable a greater level of involvement of tāngata whenua in the management of natural resources in Hawke's Bay to begin immediately.

**Commitments**

4.6 The parties therefore make the following commitments:

- a) To establish immediately the Interim Committee in accordance with the Terms of Reference already agreed between the parties; and
- b) To work together with the Crown to negotiate Terms of Reference for the Permanent Committee, in order to be able to introduce empowering legislation by 30 June 2013.

4.7 Despite clause 3.4, until both the commitments set out at clause 4.6 are met, the parties will meet as frequently as is needed.

This Deed of Commitment was signed by Hawke's Bay Regional Council and Mana Ahuriri Incorporated (on behalf of the Ahuriri hapū), Maungaharuru-Tangitū Incorporated (on behalf of the Maungaharuru-Tangitū hapū), Ngāti Hineuru Iwi Incorporated (on behalf of Ngāti Hineuru), Trustees of the Ngāti Pāhauwera Development and Tiaki Trusts (on behalf of Ngāti Pāhauwera) and Te Toi Kura o Waikaremoana (on behalf of Ruapani ki Waikaremoana).

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**Schedule 1**  
**Form of Deed of Accession**  
(clause 3.12)

**Deed of Accession**  
**relating to *(insert name)***  
**Dated [ ]**

**Background**

We refer to the Deed of Commitment dated [ ] 2012 between the Hawke's Bay Regional Council and the Tāngata Whenua Parties. Defined terms used in the Deed of Commitment have the same meaning in this deed.

*[Insert name]* is a Crown recognised, mandated group having tāngata whenua interests in Hawke's Bay. Evidence confirming this is attached to this Deed of Accession. *[Insert name]* wishes to become a party in accordance with clause 3.12 (changes or additions to Tāngata Whenua Parties) of the Deed of Commitment.

**Accession**

1. The Hawke's Bay Regional Council and the Tāngata Whenua Parties agree to the accession of *[insert name]* to the Deed of Commitment
2. From the date of this Deed of Accession *[insert name]* shall be deemed to be a Tāngata Whenua Party for the purposes of the Deed of Commitment.

Signed for and on behalf of

Hawke's Bay Regional Council

Tāngata Whenua Parties

New Party

## Appendix D Schedule of Meetings and Workshops April 2012 - June 2013

Amendments 01.03.2012  
marked up to show changes from draft from Crown (discussed at hui 29.02.2012)

### Schedule 2

#### Form of Deed of Replacement (clause 3.14)

#### Deed of Replacement of *[insert name of Tāngata Whenua Party]* with *[name of PSGE]* Dated [ ]

#### Background

We refer to the Deed of Commitment dated [ ] 2012 between the Hawke's Bay Regional Council and the Tāngata Whenua Parties. Defined terms used in the Deed of Commitment have the same meaning in this deed.

*[Insert name of Tāngata Whenua Party]* is a party to the Deed of Commitment. In accordance with clause 3.14 (Changes or Additions to Tāngata Whenua Parties) of the Deed of Commitment *[insert name of Tāngata Whenua Party]* wishes to replace itself with *[insert name of PSGE]*, a Crown recognised PSGE as a party to that Deed. Evidence confirming that *[insert name of PSGE]* is a Crown recognised PSGE for the purpose of assuming the role currently performed by *[insert name of Tāngata Whenua Party]* is attached to this Deed of Accession.

#### Accession

1. By executing this Deed of Replacement *[insert name of PSGE]* confirms that it wishes to become a party to the Deed of Commitment.
2. From the date of this Deed of Replacement *[insert name of PSGE]* shall be deemed to be a Tāngata Whenua Party, and *[insert name of Tāngata Whenua Party]* shall cease to be a Tāngata Whenua Party, for the purposes of the Deed of Commitment.

Signed for and on behalf of

Hawke's Bay Regional Council

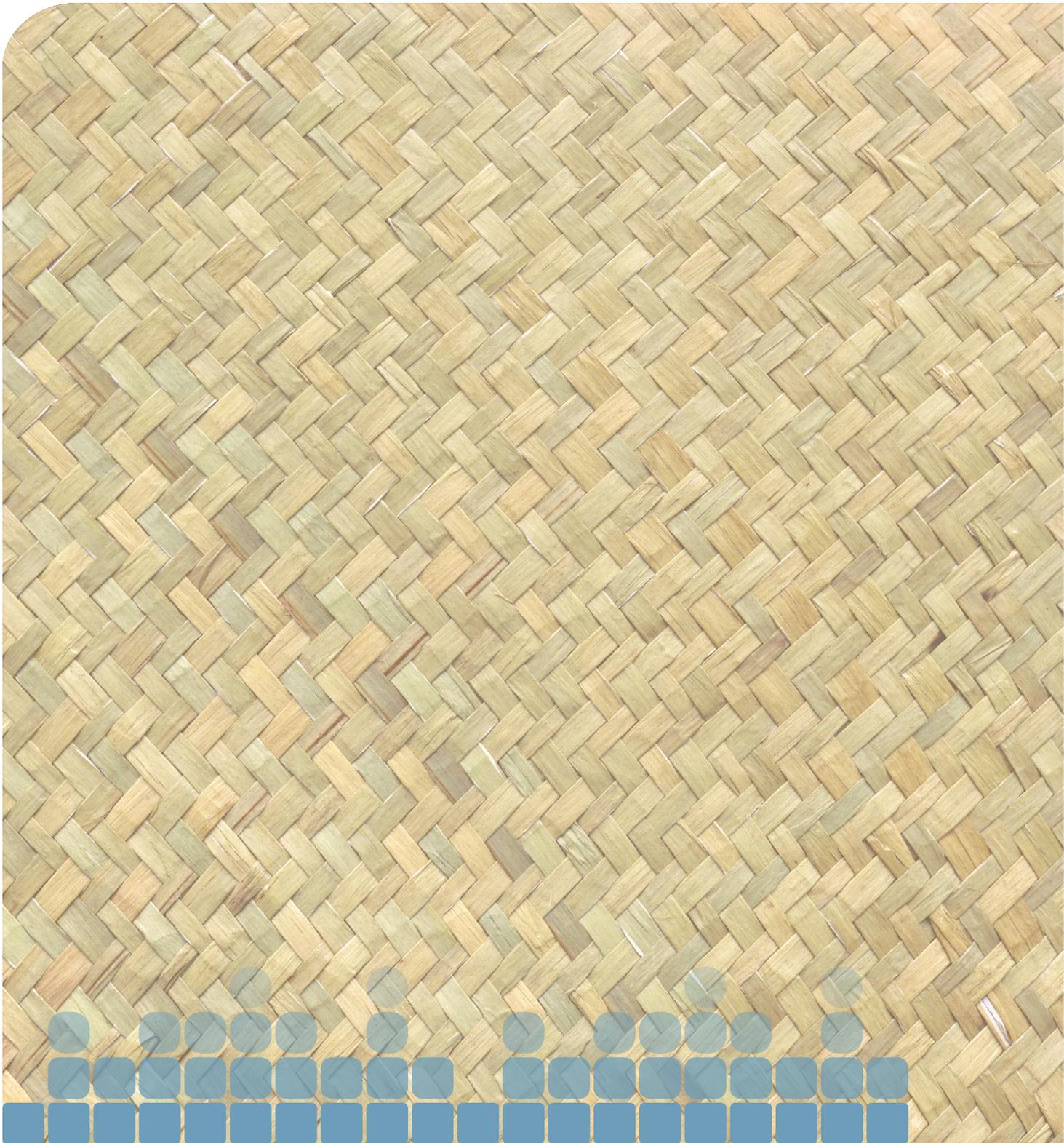
Tāngata Whenua Parties

New Party

Meeting Date	Description	Decision Items	Information & Performance Monitoring	General Business
10/04/12	Workshop	The Resource Management Act 1991		
10/04/12	Inaugural Meeting			
09/05/12	Committee Meeting		<ul style="list-style-type: none"> <li>Joint Planning Committee - Proposed Legislation</li> <li>Policy Development Work Programme</li> </ul>	
28/05/12	Workshop	Standing Orders		
11/07/12	Committee Meeting	Delivering the Tukituki Strategy	Introduction to Managing Non Point Source Discharge (using the Taharua/Mohaka Catchment as a case Study)	Tāngata Whenua Consultation Process
05/09/12	Committee Meeting	Taharua Catchment Strategy	<ul style="list-style-type: none"> <li>Greater Heretaunga/Ahuriri Land &amp; Water Plan Change</li> <li>Tukituki Choices Update</li> <li>Regional Policy Statement – Change 5 Update</li> </ul>	
19/09/12	Committee Meeting	Regional Policy Statement – Change 5		
01/11/12	Workshop	Draft Tukituki Plan Change 6		
07/11/12	Committee Meeting	<ul style="list-style-type: none"> <li>Regional Policy Statement – Change 5</li> <li>Tukituki Choices - Responses</li> </ul>		
10/12/12	Workshop	Tukituki Catchment Proposal		
10/12/12	Committee Meeting	Tukituki Choices - Responses		
13/02/13	Committee Meeting	Regional Policy Statement Change 5 – Appointment of Commissioners	<ul style="list-style-type: none"> <li>Tukituki Plan Change Update</li> <li>Heretaunga/Ahuriri Strategy Update</li> </ul>	Taharua/Mohaka Update
05/06/13	Workshop	The Regional Policy Statement		Tamatea Taiwhenua Overview of the Ruataniwha Water Storage Scheme
05/06/13	Committee Meeting	Appeals on Change 4	<ul style="list-style-type: none"> <li>Taharua/Mohaka Policy Development Update</li> <li>Heretaunga/Ahuriri Policy Development Update</li> <li>Biodiversity Strategy Update</li> </ul>	

## Appendix E Major River Catchments in Hawke's Bay





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