

4th August 2021

Environment Committee
(via online submission to en@parliament.govt.nz)

Dear Sir/Madam

SUBMISSION - INQUIRY ON THE NATURAL AND BUILT ENVIRONMENTS BILL: PARLIAMENTARY PAPER

This submission is focussed on the Parliamentary Paper's relevance to the Hawke's Bay Regional Planning Committee (the 'Committee').

The nine tāngata whenua groups of Hawke's Bay¹ benefit from Treaty settlement redress in the form of the Committee. The Committee was established under specific stand-alone legislation, namely the Hawke's Bay Regional Planning Committee Act 2015 (HBRPC Act). The Committee has been operating since April 2012. Legislation was required to ensure that the Committee could not be discharged except by unanimous written agreement of the Appointers and to confirm its role and procedures. Accordingly, the legislation was enacted and came into force on 15 August 2015.

The Committee is a joint committee of the Hawke's Bay Regional Council deemed to be appointed under Clause 30(1)(b) of Schedule 7 of the Local Government Act 2002.

The purpose of the HBRPC Act is to improve tāngata whenua involvement in the development and review of documents prepared in accordance with the RMA for the Hawke's Bay Region. We note that the reform objectives include giving "greater effect to the principles of Te Tiriti o Waitangi and provide greater recognition of te ao Māori, including mātauranga Māori."

The purpose of the Committee is to oversee the development and review of regional policy statements and regional plans [under the Resource Management Act 1991]. Repeal of the RMA will have profound implications for the Committee's roles and responsibilities. Currently, we cannot see how the Committee would continue to exist and operate if proposals in the Exposure Draft are confirmed for a new planning committee in each region to oversee development and changes to single plans under the Natural and Built Environments Act.

We submit that it is crucial that the shape of future resource management legislation must not compromise or weaken the HBPRC Act's purpose without very sound reasons and prior genuine consultation with the Regional Council and all relevant tāngata whenua groups. We note that paragraph 23 of the Parliamentary Paper acknowledges this importance too where the Parliamentary Paper says:

"Engagement with those iwi and hapū [and councils] who have settlements or other RM arrangements will be important to ensure reform will both avoid unintended consequences for Treaty settlements and uphold the integrity of Treaty settlements and agreements under the RMA between councils and Māori..."

¹ Nine Treaty settlement entities as listed in the HBRPC Act are: Maungaharuru-Tangitu Trust, Ngati Pahauwera Development Trust, Tuhoe Te Uru Taumatua, Ngati Tuwharetoa Hapu Forum Trust, Mana Ahuriri [Trust], Te Kopere o te iwi o Hineuru Trust, Heretaunga Tamatea Settlement Trust, Te Tira Whakaemi o Te Wairoa and Ngati Ruapani ki Waikaremoana.

The HBRPC Act has resulted in fundamental and positive changes to the way in which HBRC operates and works with tāngata whenua. Those relationships are continually being worked on to develop new and effective ways of working together for better environmental outcomes.

We note that Local Government New Zealand ('LGNZ') is to submit on the Exposure Draft on behalf of the local government sector. We generally support the LGNZ submission, and consider our submission to be complementary to it because the LGNZ submission does not address the HBRPC Act.

Thank you for the opportunity to make this submission on the Exposure Draft. We look forward to being involved in further development of new legislation for the new resource management system.

Yours sincerely,



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