



**CENTRAL
HAWKE'S BAY**
DISTRICT COUNCIL



Extraordinary Council Meeting Agenda

Thursday, 27 May 2021

2.00pm

Council Chamber, 28-32 Ruataniwha
Street, Waipawa

Together we Thrive! E ora ngātahi ana!

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- 1 **KARAKIA**
- 2 **APOLOGIES**
- 3 **DECLARATIONS OF CONFLICTS OF INTEREST**
- 4 **STANDING ORDERS**

RECOMMENDATION

THAT THE FOLLOWING STANDING ORDERS ARE SUSPENDED FOR THE DURATION OF THE MEETING:

- 21.2 TIME LIMITS ON SPEAKERS
- 21.5 MEMBERS MAY SPEAK ONLY ONCE
- 21.6 LIMITS ON NUMBER OF SPEAKERS
- THAT 22.4 OPTION C UNDER SECTION 22 GENERAL PROCEDURES FOR SPEAKING AND MOVING MOTIONS BE USED FOR THE MEETING.

5 REPORT SECTION *PLEASE NOTE THE PUBLIC BUSINESS WILL BE CONDUCTED FOLLOWING PUBLIC EXCLUDED BUSINESS.

NOTIFICATION OF SECTION 32 REPORTS AND THE PROPOSED DISTRICT PLAN UNDER THE RESOURCE MANAGEMENT ACT 1991

File Number: PLN1 - 200

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Authoriser: Doug Tate, Group Manager Customer and Community Partnerships

Attachments: Nil

PURPOSE

This report seeks the approval of Council to publicly notify the Section 32 Reports and the Proposed Central Hawke's Bay District Plan, in accordance with Part 1 of Schedule 1 of the Resource Management Act 1991 (RMA).

RECOMMENDATION FOR CONSIDERATION

That having considered all matters raised in the report:

- a) That having had particular regard to the Section 32 Reports contained in the Public Excluded Agenda under item 6.2, and withheld under Section 48(1)(d) of the Local Government Official Information and Meetings Act 2002, that Council resolves to adopt and publicly notify the Proposed Central Hawke's Bay District Plan in accordance with Clause 5 of Part 1 of Schedule 1 of the Resource Management Act 1991, also contained in the Public excluded Agenda under item 6.2 and also withheld under Section 48(1)(d) Local Government Official Information and Meetings Act 2002.
- b) That Council confirms the intended public notification date of 28 May 2021 and resolves to set the closing date for submissions as 6 August 2021 for that notification date, and that the Section 32 Reports and Proposed Central Hawke's Bay District Plan are released as public information on 28 May 2021.
- c) That the Council rescinds its delegation to the District Plan Committee, noting that the Committee's purpose has come to an end in accordance with its terms of reference with Council formally notifying the Proposed District Plan and that the Governance Statement is appropriately updated to reflect this; and further;
- d) That Council thank the members of the District Plan Committee for their dedication and commitment to the District Plan review

EXECUTIVE SUMMARY

The Central Hawke's Bay District Council is completing a significant second-generation review of the District Plan.

Since 2016, when the newly elected Council prioritised the review of the District Plan as a key enabler of a thriving Central Hawke's Bay of the future - Officers, a large group of planning and technical experts, and the District Plan Committee, have worked to ensure that the review of the District Plan review has followed a robust and transparent process.

In 2019 Council released a draft District Plan for consultation. The feedback from this process has been considered as part of the Proposed District Plan as well as a number of other key changes. The review of the plan is now at a milestone where it has reached the point where the Plan is ready to publicly notify for formal consultation.

As part of the Resource Management Act 1991 (RMA) legislative requirements, Council is required to adopt a resolution to formally notify the Proposed District Plan for public consultation marking the beginning of the formal statutory phase of the review.

This report is being presented to Council, following a publicly excluded report, where Officers have presented the Section 32 Reports and the Proposed District Plan for endorsement for public notification.

Subject to Council formally endorsing the Section 32 Reports and the Proposed District Plan in the aforementioned publicly excluded report, this report seeks the approval of the Council to adopt and publicly notify the Section 32 Reports and the Proposed District Plan in accordance with Clause 5 of Part 1 of Schedule 1 of the Resource Management Act 1991.

BACKGROUND

Territorial authorities are required by the RMA to review provisions of District Plans that have not been reviewed every ten years. The Council's District Plan was made operative in May 2003 and a review of its provisions commenced in 2012 with the release of discussion documents for the rural and coastal environments.

The review was delayed for nearly three years as resources were diverted to focus on the Ruataniwha Water Storage Scheme, a project of national importance located within the Central Hawke's Bay District. The review was further delayed because of the proposed local government amalgamation of the Hawke's Bay Region.

Following local government elections in 2016, the newly elected Council identified the District Plan review as a priority and the review subsequently commenced in early 2017. The initial meeting of the District Plan Committee formed to work with and provide guidance and direction to officers and consultants was held on 30 August 2017.

The District Plan Committee, comprised of Her Worship the Mayor, Alex Walker, Deputy Mayor Ian Sharp, Councillors Tim Aitken and David Tennent and Tangata Whenua representatives, Dr Maaka and Brian Gregory. Commissioner Lester was engaged to act as an Independent Chair. Sage Planning Consultants were engaged as lead planning consultants to provide planning advice and support to council to undertake the review.

The Committee determined that a full review of the District Plan was required and that a draft Plan should be prepared to engage with the community, key stakeholder and industry groups prior to undertaking the formal statutory phases of the review. Engagement with the community through a draft Plan process was also considered a priority to give effect to Project Thrive.

To provide guidance to Council on the scope and specifics of the review Sage Planning prepared and presented a Section 32 Scoping Report at the initial Committee meeting in August 2017.

The purpose of the report was to carry out a high-level scoping exercise to determine what aspects of the District Plan were in reasonable shape and to identify the main areas for review and the general approach to be undertaken for the review. The Section 32 Scoping Report was intended to form the initial information gathering and high-level issues and options identification as part of Council's Section 32 RMA obligations to reviewing the District Plan.

The overarching objectives for the review of the District Plan were identified as.

- To meet councils' statutory obligations to review the District Plan (Section 79(1) RMA).
- To update the District Plan in response to RMA amendments, National Policy Statements, national Environmental Standards, changes to the Regional Plan/Regional Policy Statements and the District Plan needs to give effect to or be consistent with provisions of the Regional Plan that have been developed since the District Plan was adopted.

- To reflect advances in planning practise since the current District Plan was made operative.
- To identify and address and errors or perceived failing in the Plan.
- To foreshadow and anticipate any material or regional issues that may have implications for the development of the district in the medium to long term.
- To ensure the District Plan continues to reflect the expectations and aspirations of the Central Hakes Bay Community as expressed through Project Thrive and the Long-Term Plan; and
- To ensure that the District Plan remains responsive and fit for purpose in the context of Central Hawkes Bay.

In completing the reviewed Plan, a number of key decisions made by Council early in the review process have been instrumental in drafting revised and new provisions. These included the decisions to:

- Undertake a full second-generation review of the Plan.
- Appoint a District Plan Committee to provide guidance to officers and ensure political input into the Draft Plan.
- Appoint two members from Te Taiwhenua o Tamatea to the District Plan Committee.
- Ongoing review by the District Plan Committee of Draft Plan sections as they were drafted.
- Release a Draft Plan for community feedback – Council recognized that community involvement in the district plan review process would be vital to the success of the plan and it was decided at the outset of the review process that the reviewed plan would be released as a non-statutory draft document for informal comment as part of consulting with the community.

Four general and significant observations were also made to the Committee. These were:

- The objectives and policies in some chapters are too general and do not provide adequate focus on the resource management issues being addressed.
- The manner in which some resource management issues are addressed does not sufficiently meet the requirements of the RMA.
- The Plan does not take account of all relevant resource management issues; and
- Anticipated Environmental Results are sometimes vague and lack certainty.

The review was supported by several technical reports from consulting experts including reports on:

1. Highly productive and versatile land.
2. Outstanding Natural Landscapes and Outstanding Natural Features.
3. High Natural Character in the Coastal Environment
4. Significant Natural Areas.
5. Acoustic Standards

In addition, a set of reports on demographic and employment growth projections for the District were commissioned and provided initial assumptions for the review consistent with Statistics New Zealand's 'high' forecast.

The Draft District Plan

The Committee adopted an ambitious programme for the review with a substantially completed draft presented and adopted by the Committee on Friday 26 October 2018. To achieve this outcome, it was agreed to structure the review on the following topics and timelines.

1. Review of the Urban Environment, reviewed from October - November 2017.
2. Review of the Rural Environment, reviewed from October 2017 – May 2018.
3. Coastal Environment and the Subdivision Chapter, reviewed from February – May 2018.
4. Remaining Chapters, reviewed from May – July 2018.

5. Finalise the draft Plan, July – 31 August 2018.

At the time of adopting the draft in 2018 it was noted that the Natural Environment Chapter, (Chapter 8 of the draft,) remained incomplete and would be prepared for adoption by Council before the draft was released for public comment at the Council meeting on 10 April 2019.

Following council's adoption of the complete draft District Plan and approval for its release for public comment the draft document was released for public comment from 10 April 2019 until mid-May 2019.

Approximately 100 submissions were received on the draft District Plan and of these around 50 submitters chose to present their submissions to the District Plan Committee at the Informal Hearings held over February 2020. The Committee focused on making decisions on all submissions received from March – September 2020 with subsequent amendments made to the Plan document.

An extensive programme of community engagement supported the release of the draft District Plan. Most notable were six public meetings held at Porangahau, Takapau, Otane, Tikokino, Waipawa and Waipukurau as well as a number of specific stakeholder and key industry meetings. Throughout the consultation period a number of meetings and hui with key industry and stakeholder groups were held to discuss the proposed new provisions in the draft Plan.

Submissions were also received from specific consultation undertaken with landowners who had potential Significant Natural Areas (SNAs) on their property. These submissions were assessed by Council's consulting ecologist (Mr Kessels) resulting in some amendments to the boundaries and extent of several SNAs. Ground truthing was also undertaken across the district to assist with assessment of the SNA boundaries and alignment.

The District Plan Review has now advanced to the point where the proposed new District Plan is ready for notification for submissions.

The new chapter names and layout (aligned with National Planning Standards, discussed further in this report) are as follows:

<i>Part</i>	<i>Proposed Plan Section</i>	<i>NPS Mandatory</i>
Part 1 Introduction and General Provisions	Introduction	NPS #6. clauses 1-4
	How the Plan Works	NPS #6. clauses 5-8
	Interpretation – including definitions, abbreviations and glossary	NPS #6. clauses 9-15 NPS#14
	National Direction Instruments	NPS #6. clauses 16-24
	Tangata Whenua (including Schedule TW-SCHED1 Statutory Acknowledgement Areas)	NPS #6. clauses 25-28
Part 2: District Wide Matters	RLR – Rural Land Resource	NPS #7. clauses 1-4
	SSB - Sustainable Subdivision and Building	NPS #7. clauses 1-4
	TW – Tangata Whenua	NPS #7. clauses 1-4
	UFD – Urban Form and Development	NPS #7. clauses 1-4
Energy Transport and Infrastructure	NU – Network Utilities	NPS #7. clauses 1-4
	RE – Renewable Energy	NPS#7
	TRAN – Transport	NPS #7. clauses 5-8
Hazards Risks	CL – Contaminated Land	NPS #7. clause 9
	HS – Hazardous Substances	NPS#7
Historical and Cultural Values	HH – Historical Heritage (including Schedule HH-SCHED2 Heritage Items)	NPS #7. clause 15
	TREE - Notable Trees (including Schedule TREE-SCHED4 Trees)	NPS #7. clause 16
	SASM – Sites and Areas of Significance to Maori (including Schedule SASM-SCHED3 Sites)	NPS #7. clause 17
Natural Environment	ECO – Ecosystems and Indigenous Biodiversity (including Schedule SCHED5 Significant Natural Areas)	NPS#7. clause 19
	NFL – Natural Features and Landscapes (including Schedule NFL-SCHED6 Outstanding Natural Landscapes, Outstanding Natural Features and Significant Amenity Features)	NPS#7. clause 21
	PA - Public Access	NPS#7. clause 22
	OSR - Open Space and Recreation	NPS#7 (optional chapter)
Subdivision	SUB Subdivision	NPS #7. clause 24-26
General District Wide Matters	ASW – Activities on the Surface of Water	NPS#7. clause 27
	CE – Coastal Environment	NPS#7. clause 28
	EW – Earthworks	NPS#7. clause 29
	LIGHT – Light	NPS#7. clause 32
	NOISE – Noise	NPS#7. clause 33
	PKH – Papakainga and Kaumatua Housing	NPS#7 (optional chapter)
	SIGN – Signs	NPS#7. clause 36
	TEMP – Temporary Activities	NPS#7. clause 37
Part 3: Area Specific Matters	RESZ Residential Zones, LLRZ Large Lot Residential (Coastal)	NPS#4. clause 6-13, NPS#8
	RESZ Residential Zones, GRZ General Residential Zones	NPS#4. clause 6-13, NPS#8
	RURZ Rural Zones, GRUZ General Rural Zone	NPS#4. clause 6-13, NPS#8
	RURZ Rural Zones, RPROZ Rural Production Zone	NPS#4. clause 6-13, NPS#8
	RURZ Rural Zones, RLA Rural Living Zone	NPS#4. clause 6-13, NPS#8
	RURZ Rural Zones, Rural Lifestyle Zone	NPS#4. clause 6-13, NPS#8
	RURZ Rural Zones, SETZ Settlement Zone	NPS#4. clause 6-13, NPS#8
	COMZ Commercial Zone	NPS#4. clause 6-13, NPS#8
	GIZ General Industrial Zone	NPS#4. clause 6-13, NPS#8
Designations		NPS#10. clause 27-30, NPS#9
Appendices and Maps		NPS #4. clause 14, NPS #10. clause 14, 15 & 31-35, and NPS #13.

Subject to Council approving the resolutions of this report, notification is planned for 28 May 2021 with a 49 working day submission period, with the notification period closing on 6 August 2021 at 5.00pm. Even considering the Queen's Birthday holiday (7 June, considered a non-working day by the RMA) this submission period is nine days longer than the 40 working day period for submissions mandated by the RMA.

DISCUSSION

The issues covered in this section of the report include the following.

- The scope of the District Plan Review and Proposed District Plan
- The policy content from central government, regional government, Councils' own documents, neighbouring territorial authorities, and iwi authorities
- Technical input, peer review and legal review
- Consultation and Communication
- The District Plan Committee
- National Planning standards
- Process issues around notification and next steps

Scope

The initial decision of Council to undertake a 'rolling' review was reconsidered in 2016/2017 when the new Council elected in 2016 decided that a complete review of the District Plan was appropriate. This resulted partially from an understanding that several chapters in the Operative District Plan required review and that the introduction of new objectives, policies and rules would apply across all provisions of the Plan.

The integration and linkage of new provisions was considered to be more effectively achieved through a full review. Accordingly, all chapters of the District Plan and maps have been reviewed and are now proposed for notification and submissions.

Undertaking a full review of the Plan does not however mean that all sections of the Plan have been changed or reviewed to the same degree. The Section 32 Scoping Report provides the background detail on which chapters in the Operative Plan required the most revision and why.

The introduction of National Planning Standards, discussed in more detail further in this report, has also influenced the Plan regarding changes in format, layout and how definitions apply to individual sections.

Project Thrive also had an influence on the scope of the review. An extensive community consultation process held in 2016 Project Thrive sought feedback for the community on what their vision for Central Hawkes Bay was. Project Thrive identified seven strategic goals which are reflected and integrated into the Proposed District Plan. These goals are:

- A proud District
- A prosperous District
- Strong communities
- Connected Citizens
- Smart growth
- Environmentally responsible
- Durable Infrastructure

While there may be public perception that there is more that Council could have done in the review of the plan, the review places Council well for the establishment of a programme of rolling reviews, which are identified and funded through the life of the Long Term Plan 2021 – 2031.

Policy Context

The Proposed District Plan has been prepared to be consistent with the statutory requirements of central and regional government policy. This includes National Policy Statements, National Environmental Standards, Regional Policy Statements and Regional Plans.

The RMA requires a District Plan to give effect to the objectives and policies of any operative New Zealand Coastal Policy Statement and National Policy Statements (NPS). These currently include:

- The New Zealand Coastal Policy Statement (2010).
- The NPS on Electricity Transmission (2008).
- The NPS for Freshwater Management (2020).
- The NPS for Renewable Electricity Generation (2011).
- The NPS on Urban Development (2020).

The requirements of two pending NPSs have been integrated into the provisions of the Proposed District Plan as much as possible. These NPS are:

- The NPS on Indigenous Biodiversity (pending) and
- The NPS on Highly Productive Land (pending).

The Proposed District Plan gives effect to the operative NZCPS and the National Policy Statements as stated above.

The RMA requires that District Plans must also be consistent with operative National Environmental Standards (NES) by removing any duplication or conflict with them. There are currently seven operative NES dealing with Telecommunications Facilities, Electricity Transmission, Freshwater, Plantation Forestry, Drinking Water, Air Quality and Assessing and Managing Contaminants in soil to Protect Human Health. The Proposed District Plan is considered to be consistent with the operative NESs stated above.

A District Plan must also give effect to any Regional Policy Statement (RPS) and must not be inconsistent with a regional plan dealing with matters in Section 30(1) of the RMA. A Council preparing a District Plan must also have regard to any proposed RPS or proposed Regional Plan. It is considered that the Proposed District Plan gives effect to the operative RPS and is not inconsistent with any regional plans.

The RMA requires a Council preparing a District Plan to take into account its own management plans and strategies prepared under other Acts. The Proposed District Plan takes into account and attempts to advance implementation of the relevant strategies prepared by Council. Of particular relevance are the Urban Growth Strategy and the Integrated Spatial Plan. The Integrated Spatial Plan, a 30-year blueprint of growth opportunities across Waipawa, Waipukurau and Otane has informed the growth and development options in the Proposed District Plan.

In August 2020 the Council adopted its first Maori Strategy, Tūhono mai Tūhono atū, developed in partnership with Te Taiwhenua o Tamatea. Tūhono mai Tūhono atū recognizes the special status of mana whenua and takes into account the Te Tiriti o Wāitangi in resource management making processes as well as increasing cultural capacity and capability of Council to effectively engage with Tangata Whenua.

The Hawke's Bay Biodiversity Strategy was launched in March 2016. It takes a regional approach to improving habitats and supporting native species across the region and provides for introduced species, particularly where these give habitat, food and shelter for native species.

The Hawke's Bay Biodiversity Accord brings together organizations that support the Hawke's Bay Biodiversity Strategy. It has two tiers of support organizations, accountable partners and supporting partners. Accountable partners are typically organizations who have statutory responsibilities, or organizations whose core purpose is to deliver biodiversity outcomes and Council is a partner to the Accord.

A Council is also required by the RMA to consider the extent to which its District Plan needs to be consistent with the operative or proposed District Plans of neighbouring territorial authorities. Hastings District Council has recently reviewed its District Plan with one outstanding appeal to the Environment Court. Other Councils in the Hawkes Bay Region, namely Napier City Council and Wairoa District Council, are also reviewing their respective district plans and both local authorities are about to release a draft plan for public consultation. The consistency issue has been considered and discussed with neighbouring territorial authorities and the Proposed District Plan is considered to be sufficiently consistent with the operative or proposed plans of neighbouring territorial authorities and particularly with Hastings District Council Plan.

The RMA requires that any relevant planning document recognised by an iwi authority and lodged with a Council must be taken into account to the extent that its content has a bearing on resource management issues of the district. To date there have been no planning documents prepared by an iwi authority that must be taken into account in the preparation of the Proposed District Plan.

Technical Input, Legal and Planning Reviews

Several technical reports were commissioned over the past four years to inform the District Plan Review. These were focused on topics where Council staff required additional data or technical expertise to understand particular resource management issues in Central Hawkes Bay and to analyse potential District Plan options. Consultants have assembled data and/or prepared reports on the following subjects:

- Landscape (John Hudson, Hudson Landscape Architects) Landscape
- High Natural Character in the Coastal Environment (John Hudson, Architects)
- Productive Soils (Land Vision, Lachie Grant)
- Acoustic Assessment (Marshall Day)
- Significant Natural Areas (Gerry Kessels, Blue Wattle Ecology)
- Integrated Spatial Plan 2020 – 2050 (Veros Consultants)
- Central Hawkes Bay District Demographic and Economic Growth
- Projections 2020-2051 (Squillions Ltd)
- Central Hawkes Bay District Area Based Infrastructure Assessment (VCV Consulting Ltd)

Many of the reports produced by the consultants are already available on the Council website or will otherwise be available on notification of the plan.

In December 2020 all working draft chapters of the District Plan were sent to an external peer reviewer, Alison Francis of Bay Planning, to undertake a planning review. Comments made by the peer reviewer were collated in a separate report and annotated to the draft chapters though tracked changes and margin comments. Most of these suggestions have been incorporated into the Proposed District Plan and clarity provided where original text was seen as confusing. Comments from Bay Planning particularly focused on how provisions of the Proposed Plan comply and align with the National Planning Standards.

The Proposed District Plan has also been reviewed internally by Council staff. In July 2019, the Resource Consents team and other key staff provided comments on the draft chapters. Several chapters generated feedback from more than one member of the Resource Consents Team. Workshops were held with the Resource Consents team and Councils planning consultants to discuss their comments and test the functionality of the plan's provisions. Several staff members were interviewed by Sage Planning when the review commenced to gain a clear understanding of any resource management issues from an operation perspective.

Feedback has also been received from assets managers on land transport issues and general infrastructure issues, from open space officers on reserves and designations and from building control officers on relocatable dwellings. All internal comment has been considered and the Proposed District Plan has been amended where appropriate.

A thorough legal review of all chapters and associated Section 32 Reports has been conducted by Asher Davidson (Matt Casey QC Office). The legal review was undertaken subsequent to

amendments resulting from the planning review. Amendments to the Proposed District Plan have been made where appropriate.

Consultation and Communications to Date

Earlier sections of this report have discussed the extensive public consultation undertaken in association with the release of the draft District Plan and outside of the statutory phase of the review. While the requirement in the RMA to consult on the proposed content of the Plan is limited to certain statutory parties, Part 1 of Schedule 1 to the RMA states that a local authority 'may consult anyone else during the preparation of a proposed policy statement or plan'.

As noted earlier Council has undertaken extensive consultation since 2017 when the review commenced particularly in 2019/2020 when the draft District Plan was released for public comment. All feedback and submissions on the draft Plan has been considered, and changes have been integrated into the Proposed District Plan as a result.

Prior to the Draft Plan being released for informal feedback, information was mailed out to property owners with Significant Natural Area (SNAs) or Outstanding Natural Features and Landscapes (NFL) located on their property (12 April 2019). In addition, Her Worship the Mayor, Alex Walker, personally contacted landowners by phone over Easter 2019 to start preliminary plans for landowner's stakeholder meetings to discuss the rural zone provisions.

Meetings were held with these parties as outlined in the following table. Committee members, technical advisors and the District Plan project team presented at these meetings and were available to respond to enquiries.

<i>Date</i>	<i>Meetings</i>
13 May 2019 Council Chambers	Property owners meeting – SNA's + Landscape areas
14 May 2019 Tikokino Hall	Property owners meeting – SNA's + Landscape areas
15 May 2019 Porangahau Hall	Property owners meeting – SNA's + Landscape areas

Prior to the Draft Plan being notified, key stakeholder meetings were held to outline the approach in the Draft Plan. A summary of the meeting schedule is outlined in the table below.

<i>Date</i>	<i>Meetings</i>
10 May 2019	Utilities Stakeholder Information Meeting – cancelled due to lack of demand
6 May 2019	Key Stakeholder meeting (DOC, HBRC, Forrest & Bird, Federated Farmers, Fish & Game, Iwi, CHB Water Holdings)
14 May Central Hawke's Bay Municipal Theatre	Subdivision stakeholder Information
15 July 2019	Meeting of rural landowners, rural professional advisors and CHB Mayor and staff, at Paper Mulberry (Te Hauke) to discuss proposed changes to subdivision including increases to the minimum lot size in the rural area.

Consultation was held as follows with iwi and hapu to advise of and seek input to the review of the District Plan.

<i>Date</i>	<i>Method</i>
7 May 2018	Hui at Te Taiwhenua o Tamatea (Waipukurau) – John Hudson (Council's Consultant Landscape Architect) presented draft Landscape Assessment for discussion. Associational values for tangata whenua were discussed, and a field trip with Paul Sciascia, as well as contacting Hawke's Bay historian and author, Mr Pat Parsons, were recommended to the Consultant.
11 May 2018	Field trip – John Hudson met with Paul Sciascia to walk over identified landscape areas around Porangahau/Parimahu
16 May 2018	Meeting with Pat Parsons (local historian, author of several publications, and custodian of Maori history) and John Hudson (Council's consultant landscape assessor) to further develop understanding of the deep associational values of the identified landscapes to tangata whenua
7 November 2018	Joint letter from Dr Roger Maaka, chair Te Taiwhenua o Tamatea and District Plan Committee member, and Council's District Plan Manager Helen O'Shaughnessy, to He

6 June 2019	Toa Takatini (Treaty Settlement Group for Heretaunga Tamatea), hapu and marae of Central Hawke's Bay, advising of the District Plan review and requesting opportunity to meet to further discuss implications for iwi and hapu, and offer opportunities to engage through the process.
20 June 2019	Presentation of Draft Plan to Rongomaraeroa Marae
	Presentation of Draft Plan to Te Taiwhenua O Tamatea
12 October 2019	Meeting between Council District Plan Project Team and representatives of Kairakau Lands Trust (KLT) to discuss implications of the District Plan and identify issues specific to KLT owned land
20 November 2020	Hui at Taiwhenua o Tamatea (Waipukurau) to discuss the impending release of the Proposed District Plan and to offer assistance with responding within that process, including the statutory pre-notification Clause 4A engagement with Ngāti Kahungunu iwi authority.

Dates of public meetings are outlined below:

Date	Meetings
19 June 2019 Waipukurau Memorial Hall	Draft Plan public consultation meetings
24 June 2019 Elsthorpe Hall	Draft Plan public consultation meetings
25 June 2019 Otane Hall	Draft Plan public consultation meetings
26 June 2019 7-9pm Porangahau Hall	Draft Plan public consultation meetings
1 July 2019 Takapau Hall	Draft Plan public consultation meetings
2 July 2019 7-9pm Tikokino Hall	Draft Plan public consultation meetings
3 July 2019 CHB Municipal Theatre	Draft Plan public consultation meetings

The release of the draft Plan was supported by significant publicity including preparation of an Engagement Strategy, media releases (24 and 21 May 2019), public meetings, local newspaper and radio advertising, website information including social media and a District Plan pack for elected members, various topic summary sheets and feedback forms.

Static displays were set up at the district libraries and Council offices with hard copies of the draft Plan and submissions forms made available. Mail chimp messages were regularly sent out and radio advertising kept members of the public informed.

Elected members were kept well informed of the progress of the review in targeted reports to Council from the commencement of the review in 2017. A number of Council reports provided detailed updates to elected members and regular presentation of Key Project Status Reports during this period provided more specific comments on progress with the review.

Part 1 of Schedule 1 to the RMA states that a local authority must consult with various statutory parties in the preparation of a Proposed District Plan. These parties include the Minister of the Environment and other Ministers of the Crown who may be affected, local authorities who may be affected and tangata whenua of the area. While officers had already met with these statutory parties as part of consultation on the draft Plan, letters with a link to the Proposed Plan were sent to the following Ministers, in January 2021 requesting any comments to be provided by 31 March 2021:

- Minister of Housing
- Minister of the Environment
- Minister of Local Government
- Minister of Conservation
- Minister of Primary Industries

Letters about the review were sent to the following local authorities who are considered potentially affected by the Plans provisions. These included:

- Hawkes Bay Regional Council
- Horizons Regional Council
- Hastings District Council
- Tararua District Council
- Rangitikei District Council

Council has also consulted with the six pending customary marine title groups in the area.

Cl (5) (1A) of Schedule 1 requires that Territorial Authorities send a copy of the public notice and further information considered relevant to every ratepayer and any other person who is likely to be directly affected by the Proposed District Plan. Clause (5) (1AB) also includes requirements to give notice to landowners and occupiers considered to be directly affected by any requirement or modification of a designation.

To meet these requirements a package of information including a covering letter, a copy of the intended public notice and an information brochure have been prepared and pending Council's decision to proceed with notification of the Proposed District Plan will be either posted or emailed to all residents and ratepayers on 28 May 2021.

A comprehensive communications programme has been developed to support the notification of the Plan and will be implemented in accordance with the Communications and Engagement Strategy presented to and received by the District Plan Committee on 28 April 2021.

The District Plan Committee

The District Plan Committee was established to provide guidance and direction to officers, Councils planning consultants and technical experts during the review of the Plan. An earlier section of this report has noted the membership of the Committee and that the Committee meet on a regular bi-monthly basis, and at times more frequently, during the review of the five key phases of the Plan.

The significant investment of time, commitment to strong and enduring outcomes in the Plan and the contribution of the Committee to achieving the milestone of the Proposed Plan now being at a point where this important document is ready for notification, is both recognised and acknowledged through this report. The dedication and contribution of the Committee Members is particularly of note when, due to the unexpected retirement of two Committee members part way through the review, it was essential for every member of the Committee to be present at each meeting to achieve a quorum (a quorum of four member is specified in the Committee Terms of Reference).

The tireless and dedicated commitment of all Committee Members, including the Independent Chair, Commissioner Lester has made a significant contribution to ensuring a local voice is represented in the plan, while ensuring a high level of robustness and confidence in the plan.

The invaluable contribution of Dr Maaka and Mr Gregory in providing a Māori contribution to decision making of the Committee must also be recognised and acknowledged. Representing Te Taiwhenua O Tamatea the guidance, leadership and advice of both Dr Maaka and Mr Gregory has been instrumental in the preparation of new and important chapters in the Plan addressing the Districts cultural and heritage issues.

National Planning Standards (2020)

The first set of National Planning Standards (NPS) was released in April 2019. The purpose of the NPS is to improve consistency in district plan and policy structure, format, and content. The Implementation Standard (#11) specifies the timeframes to apply to the standards as follows:

- all councils must meet basic electronic accessibility and functionality requirements within one year from when the planning standards come into effect.

- district councils generally have five years to adopt the planning standards, and seven years for the definition's standard. A smaller group of local authorities who have recently completed a plan review have seven years to make changes, and nine years for definitions.

If a council undertakes a full plan review within these timeframes the new plan must meet the planning standards when it is notified for submissions. Central Hawke's Bay District Council is undertaking a full review therefore the Proposed Plan is required to meet the planning standards when it is notified for submissions.

The Proposed District Plan has been prepared in accordance with the direction of these standards. It also follows the set chapter titles (NPS#4), set order of chapters, sections, abbreviations (NPS#10).

The Proposed District Plan has been notified as an electronic document as required by NPS#17. clause 11.

A table of contents of the Proposed Plan aligned with the National Planning Standards has been included in an earlier section of this report.

The Section 32 Reports

The RMA Section 32 Report is a significant assessment of the options adopted in the Plan and must also consider the efficiency and effectiveness of all policies and rules adopted in the Plan.

The Section 32 Overview Evaluation Report, together with individual topic reports, fulfils the requirements set down in Section 32 RMA that Council must prepare and publish an Evaluation Report in the process of reviewing its District Plan. Evaluation reports are integral to ensuring that Council has undertaken a transparent, robust decision-making process when reviewing a District Plan.

The Section 32 Evaluation Report documents the overall process Council has followed in reviewing the Central Hawke's Bay Operative District Plan 2003 (the Operative Plan) and sets out how it has determined the appropriateness of the planning provisions adopted to manage land use and subdivision in Central Hawke's Bay District. Individual topic reports provide greater detail on key areas of the District Plan that have changed including identifying the respective issues and examining the extent to which the objectives are the most appropriate way to achieve the purpose of the Act (s32(1)(a)), and whether the provisions are the most appropriate way to achieve the objectives (s32(1)(b)).

Individual topic reports have been prepared for the following:

- Tangata Whenua Report
- Rural Environment Report
- Urban Environment Report
- Coastal Environment
- Natural Features and Landscapes Report
- Historic Heritage Report
- Ecosystems and Indigenous Biodiversity Report
- Network Utilities and Renewable Energy Report
- Remaining Chapters Report
- Overview Report

The Council is required to have particular regard to the Section 32 Reports when deciding whether to proceed with notification of the Proposed District Plan.

Notification and Next Steps

Clause 5 of Part 1 of Schedule 1 to the RMA states that a Council must publicly notify a Proposed District Plan. This is a major milestone for Council and represents the beginning of the formal phase of the review.

Notification under the RMA includes publishing a public notice with an official notification date and sending a copy of the public notice and any other information that Council thinks fit to every person Council considers to be directly affected within 10 working days of public notification. A copy of the Proposed District Plan must be provided to the Minister for the Environment, the Hawkes Bay Regional Council, adjacent local authorities and the tangata whenua of the area through iwi authorities. Copies should also be made available in every public library in the District.

The public notice must state where the Proposed Plan can be inspected and explain the process to making a submission on the provisions of the Plan. The public notice should also explain that any person can make a submission and the closing date for submissions as well as Councils address for service.

Assuming that Councillors do decide to approve the Proposed Plan for notification at the Council meeting on 27 May 2021 the closing date for submissions will be 6 August 2021 taking into account the public holiday of Queen's Birthday weekend in June, considered to be a non-working day. This period for submissions of 49 working days exceeds the mandatory period of 40 working days required by the RMA.

As explained earlier in this Report, officers have made arrangements to distribute the public notice and an information brochure to all ratepayers in the District with a covering letter introducing and explaining the review. This information is ready and waiting to be posted and/or emailed to ratepayers in anticipation of elected members making the decision to notify the Plan.

The notification letter has been carefully written and reviewed by Councils planning and legal teams so that statutory requirements are met and the content is easily understood. The letter also provides hyperlinks and addresses to the reworked District Plan page on the Councils website.

The next steps following notification and the initial submission period are:

- Summary of submissions, anticipated to be published September/October 2021
- Further submissions, either in support or opposition to any of the initial submissions by anyone representing a relevant aspect of public interest of any person with an interest greater than the general public, must be lodged within 10 working days of notice of summary of submissions. Anticipated to be October/November 2021.
- Preparation of planning Section 42a reports, anticipated to be late 2021.
- Hearing of submissions and further submissions from anyone who wishes to be heard with evidence from the reporting planner, subject to ten working days' notice and scheduled to commence January 2022. A revised schedule will be provided to Council once the number and complexity of submissions is understood.
- Written decisions publicly notified following recommendations from the Hearings Panel expected to be in the second half of 2022.
- Appeals to the Environment Court to be lodged within 30 days' notice of decision(s)
- Plan declared Operative once the appeal period closes and no appeals have been lodged, otherwise following resolution and/or withdrawal of appeals or Environment Court decision(s).

Section 86B of the RMA provides that most rules in the Proposed District Plan will not have legal effect until decisions on submissions have been made (currently expected to be the second half of 2022). The exception is for rules protecting historic heritage, (including sites and areas of significance to Maori, and notable trees) significant indigenous vegetation and areas of significant habitats of indigenous fauna, which have legal effect on notification.

Rules in the Proposed District Plan relating to SNAs and historic heritage will therefore have legal effect from the time of notification. This means these rules will need to be considered as well as rules from the Operative District Plan until the new provisions go beyond the point of challenge and are deemed to be operative.

While most rules will not have any legal weight from notification, the Proposed District Plans objectives and policies will still have some legal weight from the date of notification alongside the objectives and policies of the Operative District Plan. As each stage of the Proposed District Plan review is completed (submissions, hearings, decisions and appeals) the Proposed District Plan objectives and policies will generally be given more weight as they advance to the next stage relative to the objectives and policies in the Operative Plan.

RISK ASSESSMENT AND MITIGATION

There is a risk that external influences beyond the control of Council, particularly during the RMA Schedule 1 process, may impact Council through the notification of the Proposed District Plan. This risk may be able to be mitigated through the investment of additional resources, but this approach will be reliant on the nature of the risk.

The most notable risk to Council is that the Proposed Plan now shifts from an informal Council controlled process to an open public, legal process where Council delegate authority to Commissioners to deliberate and recommend to Council on the final plan, before Council adopt the plan. This is a major shift in the District Plan review process.

Budget remains a continuing risk for Council. While currently within budget, releasing the plan publicly now exposes Council to new risks that cannot be fully accounted or budgeted for.

FOUR WELLBEINGS

The notification of the Proposed Plan in May 2021 provides for the delivery of the four wellbeing's of local government. It is considered that any delay in notification of the proposed Plan or deciding not to notify all chapters of the Plan, will have a marked impact on the four well beings as many of the provisions in the Operative Plan provide for the well beings.

Social

It is considered that for the social benefits of proceeding with notification of the Proposed District Plan include potential benefits purposes of enabling communities in the district to enjoy and prosper in an environment where urban and rural environments are distinguished and where cultural values and historic heritage is recognised and protected.

Cultural

The Proposed Plan includes a number of provisions relating to the identification of wāhi tapu and wāhi taonga as well as archaeological sites and historic buildings and sites. These provisions extend existing provisions and ensure that the Proposed Plan includes best practise in protecting cultural and cultural heritage resources.

Economic

There are potential and sustained economic benefits to the Central Hawkes Bay Community through provisions of the Proposed Plan which are likely to be impacted by any potential delay in notification of the Proposed Plan.

These include the new Plains Production Zone which provides for the identification and protection of the districts most versatile soils.

Environmental

Provisions in the Proposed Plan provide for the sustainable management of natural and physical resources. The Plan also introduces a new policy framework applying to the sustainable development of building and subdivision design.

DELEGATIONS OR AUTHORITY

Only Council has the necessary authority to make a decision on this matter.

SIGNIFICANCE AND ENGAGEMENT

In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as significant, however it does not trigger the Significance and Engagement Policy, as the District Plan has its own consultation process as set out in the RMA.

OPTIONS ANALYSIS

This report presents the preferred option, option one, which is to notify the Proposed District Plan in May 2021.

Two other options have been assessed in the report but have been rejected as they do not provide for the realization of the notification date of 28 May 2021 adopted by elected members in the work programme.

The three options are outlined in the table below:

	<u>Option 1</u>	<u>Option 2</u>	<u>Option 3</u>
	That Council adopt the recommendation to notify the Section 32 reports and the Proposed District Plan on 28 May 2021	That Council decide not to adopt the recommendation to notify the Section 32 reports and the Proposed District Plan on May 28 2021 and advise officers of an alternate notification date	That Council decide to notify only some chapters of the Proposed District Plan on 28 May 2021
Financial and Operational Implications	There are financial and operational implications relating to the notification of the Proposed Plan.	There will be financial and operational implications relating to delaying the notification of the Proposed Plan. These will be relatively to the delay.	There are serious financial and operational implications relating to this approach. It is not recommended by Officers.
Long Term Plan and Annual Plan Implications	The District Plan Review is a key input into the development of the 2021-2031 Long Term Plan.	The District Plan Review is a key input into the development of the 2021-2031 Long Term Plan. There are no immediate implications relative to the change in date.	The District Plan Review is a key input into the development of the 2021-2031 Long Term Plan. This approach will have significant operational and financial implications not considered in the 2021 – 2031 Long Term Plan.

Promotion or Achievement of Community Outcomes	The Proposed District Plan directly supports the achievement of the outcomes of Project Thrive	The Proposed District Plan directly supports the achievement of the outcomes of Project Thrive	This recommendation is not advised, noting that it will prolong the ability to have an fully operative plan that will achieve the aspirations of the District
Statutory Requirements	The notification of the Proposed District Plan is mandated by the Resource Management Act 1991. This report outlined the steps that Officers and Council have taken to ensure Council meets its statutory requirements.	This option may require Council to review its legislative responsibilities prior to the adoption of the plan.	This option would require officers to seek further legal advice in advance of Council passing a resolution. There could also be legislative implications relative to the sections being adopted or not.
Consistency with Policies and Plans	This decision supports the achievement and completion of other policies and plans, including the Integrated Spatial Plan, Urban Growth Strategy and Infrastructure strategy	This decision delays the achievement and completion of other policies and plans, including the Integrated Spatial Plan, Urban Growth Strategy and Infrastructure strategy	This decision may not support the achievement and completion of other policies and plans, including the Integrated Spatial Plan, Urban Growth Strategy and Infrastructure strategy

Recommended Option

This report recommends option one – that Council approve the Proposed District Plan for notification on 28 May 2021 - for addressing the matter. This option is aligned with the recommendation from the District Plan Committee Meeting on 28 April 2021.

NEXT STEPS

Subject to Council passing this recommendation of this report, Officers will proceed with the notification of the Proposed District Plan on 28 May 2021 with consultation closing on 6 August 2021.

Officers will progress with the engagement of accredited commissioners to form the Hearings Panel and will also undertake the weekly drop-in sessions for people seeking further information of guidance about lodging a submission.

Regular reports on progress and any issues arising related to the review will be provided to elected members through the District Plan Key Project Status Reports during the notification period.

RECOMMENDATION

That having considered all matters raised in the report:

- a) That having had particular regard to the Section 32 Reports contained in the Public Excluded Agenda under item 6.2, and withheld under Section 48(1)(d) of the Local Government Official Information and Meetings Act 2002, that Council resolves to adopt and publicly notify the Proposed Central Hawke's Bay District Plan in accordance with Clause 5 of Part 1 of Schedule 1 of the Resource Management Act 1991, also contained in the Public excluded Agenda under item 6.2 and also withheld under Section 48(1)(d) Local Government Official Information and Meetings Act 2002.
- b) That Council confirms the intended public notification date of 28 May 2021 and resolves to set the closing date for submissions as 6 August 2021 for that notification date, and that the Section 32 Reports and Proposed Central Hawke's Bay District Plan are released as public information on 28 May 2021.
- c) That the Council rescinds its delegation to the District Plan Committee, noting that the Committee's purpose has come to an end in accordance with its terms of reference with Council formally notifying the Proposed District Plan and that the Governance Statement is appropriately updated to reflect this; and further;
- d) That Council thank the members of the District Plan Committee for their dedication and commitment to the District Plan review.

6 PUBLIC EXCLUDED BUSINESS**RESOLUTION TO EXCLUDE THE PUBLIC****RECOMMENDATION**

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
6.1 - District Plan Committee Minutes	s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information s7(2)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of any local authority	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
6.2 - Endorsement of the Section 32 Reports and Proposed Central Hawke's Bay District Plan	s7(2)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of any local authority	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

7 DATE OF NEXT MEETING**RECOMMENDATION**

THAT the next meeting of the Central Hawke's Bay District Council be held on 3 June 2021.

8 TIME OF CLOSURE