

29 January 2015

Clerk of the Committee
Māori Affairs Select Committee
Parliament Office
Private Bag 18888
Parliament Buildings
WELLINGTON 6160

HAWKES BAY REGIONAL PLANNING COMMITTEE BILL
SUBMITTER: HAWKE'S BAY REGIONAL COUNCIL

1. GENERAL COMMENTS

The following submission by the Hawke's Bay Regional Council ("HBRC") has been prepared in response to the *Hawke's Bay Regional Planning Committee Bill* ("the Bill").

Over the past five years the Hawke's Bay Regional Council and the Treaty settlement groups have developed a strong and productive working relationship. The Regional Planning Committee was established by resolution of HBRC in April 2012 to consider and provide recommendations to Council on resource management and strategic environmental planning. The Committee is chaired under a dual chairmanship arrangement.

HBRC on behalf of the community, has made some significant decisions around how iwi involvement in decision making is aligned with ours. From HBRC's point of view the Treaty settlement process is about how the common goals and aspirations of iwi and the wider Hawke's Bay community for a clean healthy and economically strong environment can be best delivered.

The permanent establishment of the Regional Planning Committee is a huge milestone for HBRC and demonstrates a significant level of self-confidence and maturity as the organisation reaches 25 years in existence. The Treaty settlement environment is changing the landscape for Maori organisations within Hawke's Bay. HBRC acknowledges its need to ensure that the level of engagement we undertake is appropriate for the issue, whether it be should be the iwi organisation, a Taiwhenua organisation, a mandated Treaty Settlement Group or Post Settlement Governance Entity, or with marae/hapu.

The establishment of the Regional Planning Committee recognises that the integration of tangata whenua views into the management of the region's natural resources is both desirable and a necessary outcome in terms of sections 6, 7 and 8 of the Resource Management Act 1991 and the Treaty provisions of the Local Government Act 2002.

2. SPECIFIC PROVISIONS

The drafting of the Regional Planning Committee Bill has been a collaborative process between the Office of Treaty Settlements (and the Crown Law Office), the Treaty Settlement Groups and the Hawke's Bay Regional Council.

The Bill provides for the membership, purpose and functions of the Committee while recognising that the operation of the Committee should be dealt with through Terms of Reference outside the legislation. This is the most appropriate division and HBRC supports its retention.

Membership

The principle of co-governance is enshrined in the membership provision (Clause 11). In HBRC's view the representation of tangata whenua through representation from a post settlement governance entity or a mandated representative until the iwi or hapu groups have established a PSGE is the correct decision. HBRC does not support any changes to Clause 11.

Purpose

The purpose of the RPC is clearly linked to the Resource Management Act 1991 and the development and review of resource management documents. In HBRC's view Clause 9 should be retained in its entirety.

Functions and Powers

HBRC supports the retention of Clause 10 in its entirety.

Terms of Reference

The actual operation of the Regional Planning Committee is managed through the Terms of Reference of the Committee. The matters that must be addressed by the Terms of Reference are set out in Clause 12 of the Bill. However the development and amendment of the Terms of Reference sit outside the Bill. This allows for flexibility of the parties to amend the Terms of Reference in relation to matters such as quorums, the basis of voting and other procedural matters subject to the approval of the parties. It also means that operational matters are not prescribed by legislation and therefore would not require legislative changes to amend them.

Summary

The Hawke's Bay Regional Council supports the Hawke's Bay Regional Planning Committee Bill.

3. HEARING OF SUBMISSION

Council wishes to present to the Select Committee meeting considering this Bill.

Yours faithfully



LIZ LAMBERT
INTERIM CHIEF EXECUTIVE
Phone: (06) 835 9214
Email: liz@hbrc.govt.nz



FENTON WILSON
CHAIRMAN
Phone: (06) 835 9207
Email: chairman@hbrc.govt.nz

Address for Service:

Liz Lambert
Interim Chief Executive
Private Bag 6006
NAPIER 4142