

20-D-00382

[redacted]
Heretaunga Tamatea Settlement Trust
s 9(2)(a) @heretaungatamatea.iwi.nz

Dear s 9(2)(a)

Thank you for your email of 9 March requesting the following under the Official Information Act 1982 (the Act):

I have been directed to inquire into the Streamline Planning Process regarding any advice Hawke's Bay Regional Council's sought from Mfe and the Ministers back in 2019 and 2020 in regards to the TANK plan change pathway for notification.

The Ministry for the Environment (the Ministry) has identified the attached information in response to your request. This is an email exchange between the Hawke's Bay Regional Council and the Ministry that was initiated on 19 February 2020, and has been provided in full. Some information within this email exchange has been redacted as out of scope of your request.

The Hawke's Bay Regional Council (HBRC) emailed the Ministry in June 2019 informing us that they may be interested in using the Streamlined Planning Process; however no advice was sought or given at this time.

A staff member from HBRC attended an informal meeting of councils with a general interest in SPP in Wellington on Tuesday 28 August 2019 in the margins of the annual forum that the Ministry hosts for territorial authorities. Each council present explained their planning issue and there was general discussion, with officials from the Ministry answering questions about the process generally and the Ministry's role to advise the Minister. No advice was provided to HBRC about the Tūtaekurī, Ahuriri, Ngaruroro, and Karamū (TANK) plan change specifically; the session was to give councils general advice about the process and how to engage with the Ministry if their council decided to proceed with seeking a direction from the Minister.

You have the right to seek an investigation and review by the Office of the Ombudsman of my decision relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found on their website at: www.ombudsman.parliament.nz.

Please note that due to the public interest in our work the Ministry for the Environment publishes responses to requests for official information on our [OIA responses page](#) shortly after the response has been sent. If you have any queries about this, please feel free to contact our Executive Relations team: ministerials@mfe.govt.nz.

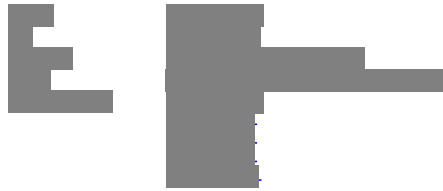
Yours sincerely

This response has been approved electronically by Katherine Wilson

Katherine Wilson
Director, Natural and Built System

Released under the provision of
the Official Information Act 1982

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Out of Scope

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From: Claire Gregory <Claire.Gregory@mfe.govt.nz>

Sent: Thursday, 20 February 2020 12:55 PM

To: Ceri Edmonds <ceri.edmonds@hbrc.govt.nz>

Cc: Abbie Bull <Abbie.Bull@mfe.govt.nz>; Beth Le Roux <Beth.LeRoux@mfe.govt.nz>; Annabelle Ellis <Annabelle.Ellis@mfe.govt.nz>; Sarah Boone <Sarah.Boone@mfe.govt.nz>; Vicki Addison <Vicki.Addison@mfe.govt.nz>; Julia Harker <Julia.Harker@mfe.govt.nz>; Sharleen Grounds <Sharleen.Grounds@mfe.govt.nz>; Michael Oates <Michael.Oates@mfe.govt.nz>

Subject: RE: SPP and MfE Programme

Hi Ceri,

Nice to hear from you and thanks for the TANK update. I've attempted to answer your questions below – happy to discuss if that would help.

Streamlined Planning Process

There are no time constraints on the Minister for the consideration of, consulting on, and making decisions on an SPP application before the election. However, if you are considering submitting an SPP application this year, we would encourage you to lodge your application as early as possible. The Minister's consideration of the application is in two parts before a direction is given (refer to the Streamlined planning process flowchart steps 4 and 6:

<https://www.mfe.govt.nz/publications/rma/streamlined-planning-process-flowchart>). While the government continues to have full power to govern until the election, Ministers' availability can be limited in the pre-election period. Note that the Minister can either decide to direct a SPP or decline the local authority's request to use the SPP.

The intent of the changes being made in relation to freshwater planning process in the current Resource Management Amendment Bill is that there will be no access to the streamlined planning process once the Bill is enacted, with a new process designed specifically for freshwater. However, you are right that proposed plan changes that are NPSFM 2017 compliant can still be notified under the standard Schedule 1 process, or through SPP if the Minister directs a SPP process, prior to enactment of the Bill.

Resource Management Amendment Bill

The timing for the RM Bill is that Select Committee is due to report back on the 26 March with an anticipated timeframe for enactment by mid-2020. Once it is enacted, the mechanisms will be in place to support the new process, including the appointment of commissioners.

The other thing to note about timing is the proposal in the Bill requiring councils to notify freshwater planning instruments which give effect to the 2020 NPS by 31 December 2023. The decisions your council will need to make about notifying the TANK plan change which implements the NPSFM 2017 will need to include consideration of the likelihood of a subsequent plan change to implement the NPSFM 2020.

I hope this helps with your advice to the RPC. We would be keen to know how the workshop goes and what your next steps are.

If it does look like SPP might still be an option, can you keep in touch with Abbie Bull, Manager of RMA Statutory Functions (copied in)? I have a slightly different role now which means I am no longer leading the SPP work, although my new role includes having a system implementation overview so I am still interested to know how you get on with your RMA planning processes.

And if you are instead looking to use the new process very soon after enactment, it would be good to keep in touch with Julia Harker (copied in) who is in the process of working through what needs to be in place on enactment for the freshwater planning process.

Kind regards
Claire

From: Ceri Edmonds <ceri.edmonds@hbrc.govt.nz>

Sent: Wednesday, 19 February 2020 9:07 AM

To: Sharleen Grounds <Sharleen.Grounds@mfe.govt.nz>; Claire Gregory <Claire.Gregory@mfe.govt.nz>

Subject: SPP and MfE Programme

MFE CYBER SECURITY WARNING

This email originated from outside our organisation. Please take extra care when clicking on any links or opening any attachments.

Morena korua,

I hope you are both well.

A bit of an update from me and some queries as well – as you know in December the RPC agreed to pause the notification of the TANK plan to enable a further workshop to be held to discuss the issues. Whilst we haven't been provided with a lot of clarity around the format of the day, we have been encouraging them not to re-litigate the content of the plan. The workshop has been confirmed for the afternoon of the 26th February.

As you know it had been the staff's recommendation (last year) that the RPC to agree to apply to the Minister for a SPP. My queries relate to timing, given the delays we have encountered to notify the plan.

Sharleen you sent me an MfE programme late last year (dated 17 Dec). Have there been any changes to the timetabling in respect of the RMA amendment bill or the NPS Freshwater Package that you are aware of?

Claire has there been any indication as to whether the Minister may not consider or approve a SPP application beyond a certain date – is there a cut off prior to the NPS or the Bill in mind? Or would you anticipate that if the proposal is for a plan which is NPSFM 2017 compliant it would be considered up until the point of the new NPS coming into effect?

What we are trying to establish is whether we continue to pursue the SPP with the RPC? Is there is a point in time where it is not appropriate to pursue it as the Minister won't be making decisions (and waiting for the Bill or the NPS).

Finally if the Bill is enacted in April would MfE have all the support mechanisms in place for HBRC to utilise this process immediately (Commissioners etc)?

Sorry for bombarding you with questions – hopefully they are not too impossible to answer!

Ceri



Ceri Edmonds

Manager Policy and Planning
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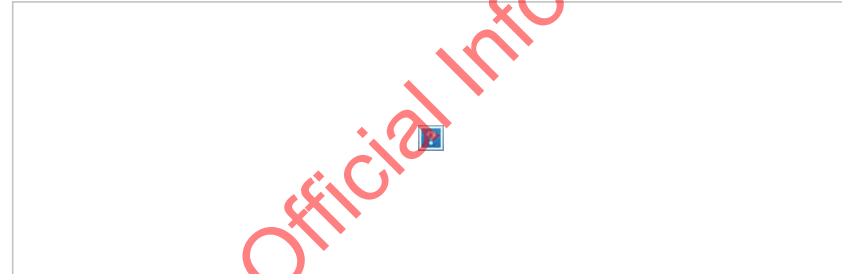
Hawke's Bay Regional Council | Te Kaunihera a-rohe o Te Matau a Maui
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**Enhancing Our Environment Together | Te Whakapakari Tahiri Te Tatau
Taiao**



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