

FAST TRACK CONSENTING – Ngā Hapū o Ngāti Porou

AGENDA AND NOTES

Monday 29th January 2024

11am

Online meeting

Attendees

Name	Role	Organisation
9(2)(a)		Ngā Hapū o Ngāti Porou
		Ngā Hapū o Ngāti Porou
Nathan Milner	Legal Counsel	Kahui Legal
Daran Ponter	Engagement Lead	Ministry for the Environment
Anna Galvin	Manager	Ministry for the Environment
Zsofia Hellyer	Principal Advisor	Ministry for the Environment
Jerren Tweedie	Policy Analyst	Ministry for the Environment
Nik Andic	Manager	Ministry for the Environment
Stephanie Mercer	Senior Project Coordinator	Ministry for the Environment

Items [change as appropriate]

1	Opening from Daran
2	Introductions
3	Fast Track Consenting policy update
4	Out of scope
5	Further comments/next steps
6	Close



Meeting notes

Discussion notes	D1	Introduction and overview <ul style="list-style-type: none">• MFE welcomed Ngā Hapū o Ngāti Porou, and all attendees introduced themselves.• Apologies from the Ministry regarding the delay in sending the Ministerial fast-track consenting (FTC) letter.• Overview of what the letter covers, and scope for discussion today:<ul style="list-style-type: none">○ Intention and process on FTC (Arron)○ Out of scope• Signal from Ministers that they are committed to upholding the Ngā Hapū o Ngāti Porou arrangements (and other arrangements like Treaty settlements) – but we need to work through the detail of how to achieve this.• Action: Ministerial letter will need to be provided to 9(2)(a) as well as 9(2)(a)
	D2	Fast-track consenting (Arron) <ul style="list-style-type: none">• Advice that the current intended scope of legislation is both terrestrial and coastal.• Still developing detail at pace over next couple weeks.• Introduction expected 7 March to Parliament.• FTC process based on COVID leg, but with substantive differences:<ul style="list-style-type: none">○ COVID process allowed for RMA approvals; this will change to include non-RMA approvals such as those under Conservation, Heritage Acts etc.○ Will be open to broad range of projects e.g. infrastructure, mining, housing, aquaculture. Will likely be projects of “national and regional significance” which may differ region to region.○ Fast-track consents will be assessed against eligibility criteria. Minister will make decision/seek feedback from key groups (incl. iwi) and decide whether to refer to expert panel. This panel then decides on conditions for the consent(s) (or requests



more info) in consultation with the same groups originally consulted with by the Minister.

- Differs from Natural and Built Environment Act (NBA) and COVID-19 Recovery (Fast-track Consenting) Act 2020 where there was broad scope to decline projects; in this case there will be a high threshold for declining and we are seeking to further understand this.

- Aiming to use Resource Management Act (RMA) conditions for making decisions on consents e.g. Environmental Covenant.
- Thinking about how other approvals will be incorporated to this process – not much detail on this yet.
- Looking into how appeals should be restricted/timeframes as well as constraints for expert consenting panel.
- There is likely to be a list of key projects included in the legislation, for which these will either be referred directly to the consenting panel for conditions, or conditions will be included in the legislation.

Key answers to questions regarding FTC:

- List of projects similar to COVID-19 Recovery Act – these projects will be adopted into fast-track and panel will just be deciding on high-level aspects and referring to panel for conditions.
- Ministers are involved in deciding whether project should be sent to fast-track process or not, thereafter project will go to panel (high threshold).
- Projects for inclusion in legislation are likely to be listed in the 7 March paper.

- **9(2)(g)(i)**

- Ministry is currently working on the threshold for this significance; will differ between regions. Uncertainty as to whether those projects will fulfil the criteria.

- **9(2)(g)(i)**



	<ul style="list-style-type: none">○ Requirements for engagement for listed projects: will likely be some engagement, albeit with narrow scope to decline project. Note however that this does not guarantee approval of projects; awaiting clarity on this.• Regarding projects for inclusion in legislation and assessment against arrangements such as CMT: Working to determine which projects are included – most are shovel-ready and have already undertaken some engagement publicly; there will be a high bar for inclusion. The Ministry will assess these projects against criteria and Treaty Settlement and other arrangements, and advise the Minister whether the project should be listed or not.• 9(2)(g)(i) [Redacted] [Redacted]• Procedural checks: Part 2, Schedule 10 NBA; 9(2)(g)(i) [Redacted] Likely to be mix of this and fast-track requirements. 4-6 month select committee process anticipated.• Cabinet has agreed to uphold all arrangements under this legislation – the Ministry is working on how this will take place.• Draft legislation will be shared prior to approval, but won't be available for next couple of weeks. MFE are seeking approval to share each draft iteration when received.• Criteria for eligibility/ineligibility is being developed: examples for ineligibility per our current advice include: 1) inconsistent with Ngā hapū o Ngāti Porou arrangements or a Treaty settlement 2) prohibited activities.• Looking to hold face to face hui with Ngā Hapū o Ngāti Porou and Tairāwhiti iwi in February – hoping to have more info to share at this point.• 9(2)(g)(i) [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted]
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- *Action:* MFE to consider CMT complexities and ensure this forms part of the advice to Ministers.
- Exclusive economic zone activities (e.g. Mining) are also likely to be included in this legislation.

Out of scope

D4 Further comments/next steps

- 9(2)(g)(i) [redacted]
[redacted]
[redacted]
 - *Action:* Daran to confirm timeframe for Gisborne hui (12/13 February or 18/19 February).
 - Earlier hui likely to result in improved input for legislation.



		<ul style="list-style-type: none">The Ministry noted that the Ministerial letter was scheduled to be sent on Wednesday 24 January but was delayed. Aiming to send this out as soon as possible, but awaiting approval.Daran invited further feedback via email so that the Ministry can provide this to policy teams. 9(2)(g)(i) [REDACTED] [REDACTED]<ul style="list-style-type: none">Action: MfE team to re-forward this to Nathan and Agnes for confirmation.
Actions	A1	Ministerial letter (re: FTC) to be provided to Agnes as well as Dean – Kitty to ensure contact list is updated for this (and provide update to Minister’s office if required).
	A2	MfE to consider approach for protections for CMT areas as well as other areas in ngā rohe moana (including future potential CMT areas)
	A3	Daran to confirm timeframe for Gisborne hui in February.
	A4	MfE team to forward previous feedback from Ngā Hapū o Ngāti Porou for confirmation.
	A5	
	A6	

[REDACTED]