



FAST TRACK CONSENTING – Ngāti Pāhauwera Tiaki Trust

AGENDA AND NOTES

Tuesday 30th January 2024

2pm

Teams

Attendees

Name	Role	Organisation
Toro Waaka	Chairperson	Ngāti Pāhauwera Tiaki Trust
Theresa Thornton	Trustee	Ngāti Pāhauwera Tiaki Trust
Daran Ponter	Engagement Lead	Ministry for the Environment
Jo Gascoigne	General Manager	Ministry for the Environment
Peter Nelson	Principal Analyst	Ministry for the Environment
Julian Jackson	Senior Analyst	Ministry for the Environment
Beverly Kemp-Harmer	Kaiwhakatere	Ministry for the Environment
Naedene Stewart	Business Support Coordinator	Ministry for the Environment

Items

1	Karakia
2	Fast-track consenting
3	Out of scope
4	Pātai



Meeting notes

Discussion notes	D1	Karakia from Beverly Kemp-Harmer General <ul style="list-style-type: none">Daran commenced the hui by apologizing for the delay in delivering the Ministerial letter from Chris Bishop and advised that the letter outlines the development of fast-track consenting (FTC) legislation and changes to the National Policy Statement for Freshwater Management (NPS-FM).Out of scope
	D2	Fast-track consenting (FTC) – Jo Gascoigne <ul style="list-style-type: none">Key points<ul style="list-style-type: none">Government has committed to introducing a permanent fast track regime in Parliament in their 100-day plan – this means that the new FTC legislation will be introduced on 7 March.Covid FTC regime was a temporary regime however, MfE are trying to ‘lift and shift’ as many of the appropriate approaches as possible.Government looking to expand FTC approvals to other legislation e.g. Reserves Act, Wildlife Act. This expansion means the regime will intersect with Treaty Settlements in a more complex way.FTC will be a stand-alone legislation instead of being part of the RMA. The purpose of the legislation is to enable projects of national and regional significance to be consented faster. There will be criteria to test whether projects meet national or regional significance.Two steps in FTC regime:<ol style="list-style-type: none">Referral stage: The suitability of a project is assessed at Ministerial level. At this point the Minister would seek advice about the interaction of the project with Treaty Settlements.Expert panel: Like previous regimes there will be an expert panel that apply consent conditions. However, the government has indicated the expert panel will have limited ability to decline projects.



- Beverly Kemp-Harmer asked for more details about the expert panel.
- Jo responded that the expert panel would be like the current covid FTC regime which comprise of hearing commissioners, RM practitioners and lawyers. Expert panels would be Chaired by a senior RM practitioner or an Environment Court judge. There are decisions still to be made about the capacity of the bench and the capacity of judges to sit on these types of panels but there will be experts in their field who are able to undertake the consent considerations.
- The Minister will appoint a panel convener who appoints expert panel members.
- Toro Waaka asked if the expert panel members are appointed on a Treaty Partnership basis. Jo responded that Treaty settlements with specific provisions for nominations to panels or hearing commissioners would still stand. There is a question of how expert panels might receive nominations from iwi and Jo is keen to receive input from Ngāti Pāhauwera regarding this.
- Toro added that he would like an opportunity to contribute to the criteria the panel members must meet before being appointed. He gave an example of people being on similar panels who don't live in the area, who have no on the ground knowledge of local issues or know very little about the landscape. These people make decisions that are not consistent with local priorities or aspirations.
- Beverly raised concerns about the appointment of judges and how conflicts of interest would be managed as many PSGEs have been in litigation with judges that could potentially be appointed to an expert panel. Jo responded that there is no proposal to re-establish the authority of the judiciary through this process. Jo acknowledged and noted the concern of potential bias.
- Government is committed to upholding Treaty settlements.
- Toro asked if the Hawkes Bay Regional Planning Committee Act would be upheld. Jo responded that if the Regional Planning Committee is part of a Treaty Commitment or associated commitment then it would stay in place. Nothing in the FTC proposals would cut across those arrangements.
- Toro added that the Regional Planning Committee plans all resource management activities and felt that Ngāti Pāhauwera were being put in a reactionary position. Toro's preference is that an email should be sent outlining all the changes, these changes should be discussed



		<p>with partners and outcomes should be in the interest of both parties, not just one. He added that the current approach was not in the spirit of good partnership.</p> <ul style="list-style-type: none">• Jo acknowledged Toro's frustrations and apologised again for the delay in the delivery of the Ministerial letter which has resulted in Ngāti Pāhauwera not having enough information for today's hui. Given the timeframes and potential importance to Ngāti Pāhauwera Jo felt it was important to provide this high level 'heads up' before the next hui on 12 February.• Jo explained that delegated Ministers who have the ability to make decisions on the FTC regime have a meeting on 15 February. The hui ā iwi on 12 February is ideal as MfE will have more details about the proposal. Ngāti Pāhauwera's input will be recorded, and the delegated Ministers will be fully informed of Ngāti Pāhauwera views. This is important as the delegated Ministers make final decisions that then frame up the next round of cabinet decisions and ultimately the Bill.• Toro is supportive of a review of consenting processes as he is aware of many incompetencies and inefficiencies. He raised concerns about FTC and how it impacts wāhi tapu. Jo responded that MfE were trying not to repeat past mistakes and that treaty protections would be built into the process to ensure important places are protected.• Toro added that he is supportive of a review of the Wildlife Act and Ngāti Pāhauwera would like to participate in that process too.
	D3	<p>Out of scope</p> <div></div>



		Out of scope
	D4	<p>Questions</p> <ul style="list-style-type: none">Toro asked if there was resourcing to assist iwi in this engagement, he highlighted that two Ngāti Pāhauwera Trustees were present and both had driven an hour to attend. Daran responded that the question of resourcing for iwi has been raised by other PSGEs but has not been answered yet. <p>Out of scope</p>
	Actions	<p>A1 Daran to send Hui ā Iwi meeting invite to Ngāti Pāhauwera [Done – meeting at 11am, Naba Ahuriri Office, Monday 12 February]</p>