



TŪWHARETOA
MĀORI TRUST BOARD

Submission on:
Fast-track Approvals Bill

April 2024

Contents

| | |
|---|----|
| INTRODUCTION..... | 3 |
| WISH TO BE HEARD..... | 3 |
| TŪWHARETOA WHAKAPAPA, TIKANGA AND WAI MĀORI | 3 |
| TŪWHARETOA MĀORI TRUST BOARD | 4 |
| 1992 and 2007 Deeds | 4 |
| Waikato River Deed and Upper Waikato River Act | 4 |
| Joint Management Agreements | 4 |
| POSITION..... | 5 |
| STATEMENT OF KEY MATTERS OF CONCERN..... | 6 |
| Elevation of legislative purpose fundamentally opposed..... | 6 |
| Inappropriate concentration of power | 6 |
| Undemocratic silencing of public participation | 6 |
| Impact on hapū | 7 |
| Unconstitutional | 7 |
| Te Tiriti o Waitangi settlements and recognised customary rights clause | 8 |
| Impact on iwi and hapū yet to settle Treaty of Waitangi grievances | 8 |
| Implementation of Te Ture Whaimana o Waikato | 9 |
| Ineligibility criteria | 9 |
| Timeframes | 11 |
| Strategic planning | 11 |
| Climate change..... | 12 |
| Aotearoa’s international reputation..... | 12 |
| KEY FEATURES OF RESPONSIBLE FAST TRACK LEGISLATION..... | 12 |
| CONTACT..... | 13 |

INTRODUCTION

- 1 This submission is made by the Tūwharetoa Māori Trust Board (**Trust Board**) on the Fast-track Approvals Bill (**FTA Bill**).
- 2 The focus of the Trust Board's submission is on those provisions in the Bill that impact our rangatiratanga, customary rights and interests in natural resources, whenua and treasured taonga, and our existing resource management arrangements, including arising from our Treaty of Waitangi settlement legislation and unique ownership arrangements in respect of Taupō Waters.
- 3 Where our submission includes request for retention or amendment of a provision of the FTA Bill, the request incorporates consequential amendments necessary to give effect to its intent.

WISH TO BE HEARD

- 4 The Trust Board wishes to be heard in support of this submission.

TŪWHARETOA WHAKAPAPA, TIKANGA AND WAI MĀORI

| | |
|-------------------------|----------------------------------|
| Ko Tongariro te Maunga | Tongariro is the Sacred Mountain |
| Ko Taupō te Moana | Taupō is the Lake |
| Ko Tūwharetoa te Iwi | Tūwharetoa is the Tribe |
| Ko te Heuheu te Tangata | Te Heuheu is the Man |

- 5 Ngāti Tūwharetoa hold mana whenua, kaitiakitanga and rangatiratanga over the Central North Island including the Lake Taupō Catchment and part of the Upper Waikato, Whanganui, Rangitikei and Rangitaiki Catchments.
- 6 Ngāti Tūwharetoa are the descendants of Ngatoroirangi, Tia and other tūpuna who have occupied the Taupō Region continuously since the arrival of the Te Arawa waka. Ngāti Tūwharetoa are linked by whakapapa to our lands and our taonga. This connection establishes our mana whenua, kaitiakitanga and rangatiratanga, including our right to establish and maintain a meaningful and sustainable relationship between whānau, hapū, marae and our taonga tuku iho.
- 7 As kaitiaki, Ngāti Tūwharetoa have an intrinsic duty to ensure the mauri and the physical and spiritual health of the environment (inclusive of our whenua and water resources) in our rohe is maintained, protected and enhanced.
- 8 For Ngāti Tūwharetoa, water comes from the sacred pool of our ancestor, Io. Tāne entrusted the guardianship of all the waterways to Tangaroa while Tāwhirimātea was assigned the guardianship over the atmospheric forms of water and the weather. These two guardians hold the mauri, the essential life forces, of these forms of water.
- 9 For Ngāti Tūwharetoa, our rohe of the Central North Island forms part of our ancestor Papatūānuku. The universe and atmosphere above and around us is Ranginui. The geographical pinnacle of Papatūānuku, within our rohe, is our maunga (mountains) including our esteemed ancestor, Tongariro. To the north of Tongariro lies our inland seas, Taupō-nui-a-Tia and Rotoaira. Our mauri flows from our maunga through our ancestral awa (surface and underground streams and rivers) to our moana and to the hinterlands via the Waikato, Whanganui and Rangitaiki. They link us directly with our neighbouring iwi.
- 10 Ngāti Tūwharetoa assert our intergenerational custodial and customary right of tino rangatiratanga over the taonga in our rohe. Our tribal taonga include ownership of the bed,

water column and air space of Lake Taupō, its tributaries, and the Waikato River from the outlet of Lake Taupō to Te Toka a Tia. They also include Te Kāhui Maunga (Tongariro National Park), the largest production forests in the North Island (Kaingaroa, Lake Taupō and Lake Rotoaira) and ownership of 51% of the whenua in the Taupō region.

TŪWHARETOA MĀORI TRUST BOARD

- 11 The Trust Board was established pursuant to the Māori Land Amendment Act 1924 and Māori Land Claims Adjustment Act 1926. The Trust Board later became a Māori Trust Board under the Māori Trust Boards Act 1955.
- 12 The Trust Board administers a range of resource management arrangements and documents, including as arising through Treaty settlements, that reflect the importance of the Ngāti Tūwharetoa relationship with our taiao.

1992 and 2007 Deeds

- 13 By deeds with the Crown dated 28 August 1992 and 10 September 2007 the Trust Board is the legal owner of the bed, water column and air space of Lake Taupō, the Waihora, Waihāhā, Whanganui, Whareroa, Kuratau, Poutu, Waimarino, Tauranga-Taupō, Tongariro, Waipehi, Waiotaka, Hinemaiaia and Waitahanui Rivers (**Taupō Waters**), and the Waikato River to Te Toka a Tia, inclusive of the Huka Falls.
- 14 The Trust Board's relationship to Taupō Waters is unique. The Trust Board holds legal title as trustee and acts as kaitiaki for Taupō Waters. These fiduciary responsibilities over Taupō Waters to present and future generations underpin all our activities and aspirations.

Waikato River Deed and Upper Waikato River Act

- 15 The Trust Board is also a party to the Waikato River Deed with the Crown dated 31 May 2010 (**Upper Waikato River Deed**). The Crown and the Trust Board agreed to enter into the Waikato River Deed in recognition of "the interests of Ngāti Tūwharetoa in the Waikato River and its catchment and in Taupō Waters and to provide for the participation of Ngāti Tūwharetoa in the co-governance and co-management arrangements in respect of the Waikato River".¹
- 16 The Waikato River Deed was given legal effect through the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 (**Upper Waikato River Act**). The overarching purpose of the Upper Waikato River Act is to restore and protect the health and wellbeing of the Waikato River for present and future generations.²
- 17 Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato and Waipā Rivers (**Te Ture Whaimana**) is a product of the settlement agreements between the Crown, Ngāti Tūwharetoa and other Waikato and Waipā River Iwi. It is a statutory instrument,³ and the primary direction setting document for the Waikato and Waipā Rivers and activities within their catchments affecting the Waikato and Waipā Rivers.⁴

Joint Management Agreements

Waikato Regional Council

¹ Upper Waikato River Deed 31 May 2010, clause 8.

² Upper Waikato River Act, section 3.

³ Given legislative effect through the Waikato and Waipā River Settlement Legislation: see also Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and Ngā Wai o Maniapoto (Waipā River) Act 2012.

⁴ The obligation to give effect to Te Ture Whaimana is the strongest direction that Parliament has given in relation to any RMA planning document.

- 18 The Trust Board has a joint management agreement (**JMA**) with the Waikato Regional Council relating to the co-governance and co-management of the Waikato River and activities within its catchment affecting the Waikato River, as well as Taupō Waters.

Taupō District Council

- 19 The Trust Board has a JMA with Taupō District Council regarding the administration of the RMA in relation to multiply-owned Māori land within the rohe of Ngāti Tūwharetoa.

POSITION

- 20 We are strongly opposed to the FTA Bill in its current form as it is disproportionately pro-development, constitutionally flawed, concentrates power in three Ministers and has far-reaching adverse implications for:
- a. Aotearoa New Zealand’s taiao (environment);
 - b. our Tuwharetoa customary rights, interests and responsibilities, including our Tiriti o Waitangi settlement interests; and
 - c. our ability to exercise mana motuhake and kaitiakitanga within our rohe, as guaranteed by Te Tiriti o Waitangi.
- 21 While the Trust Board supports carefully considered development, this must only be allowed within environmental limits to protect the health and wellbeing of te taiao, and optimise the economic opportunities of both current and future generations. The pro-development premise of the FTA Bill prioritises development above all else. This is a fundamentally unsound approach and is wholly inconsistent with our rights and obligations as kaitiaki.
- 22 We reject any suggestion that existing legislative provisions for the recognition of the health and wellbeing of the environment and/or the rights, interests and participation of iwi/hapū are a material cause of delays in the current approval regime under the RMA or other natural resource legislation. Experience from around Aotearoa shows that the fully-informed and active involvement by iwi and hapū from the outset of infrastructure and development projects (i.e, in the pre-application stage and on an ongoing basis) is a key element in the successful and efficient progress and approval of those projects.
- 23 Further, the Trust Board is not, in principle, opposed to fast-track processes that reduce timeframes through more efficient, streamlined and considered approval processes. But, unlike existing fast-track legislation, the FTA Bill is not about streamlining or making more efficient, existing approval processes. Rather, the FTA Bill proposes to override, disapply, modify and/or dilute existing approval processes under Aotearoa’s major environmental legislation for projects with “significant regional or national benefits”. This is unacceptable.
- 24 Our taiao is already degraded from decades of inappropriate development and unsustainable practices and is also facing major risks from climate change and the cumulative effects of existing land and resource use. We need to restore and protect what we have left, instead of finding ways to further degrade the taiao.
- 25 These are fundamental concerns held by the Trust Board. In providing the below feedback on provisions of the FTA Bill, we are not expressing support for the FTA Bill or the policy intent behind it. Rather we have significant concerns with the unduly hasty manner in which the FTA Bill has been developed, including a complete lack of informed engagement with the Trust Board, or other iwi and hapū. The projects proposed to be listed in Schedule 2A will also be subject to even less public comment and scrutiny, including from those communities directly impacted. This is both untenable and at odds with this Government’s statements about empowering local communities.

- 26 We trust the Select Committee will carefully reflect on our submission in its consideration of the FTA Bill.

STATEMENT OF KEY MATTERS OF CONCERN

Elevation of legislative purpose fundamentally opposed

- 27 The FTA Bill applies a pro-development lens to the assessment of the effects of proposed activities. The purpose statement of the Fast-track Bill is also to be weighted above the purpose and provisions of the statutes within scope.
- 28 The Trust Board fundamentally opposes this approach, which will result in the purposes, principles and provisions required under existing legislation being either significantly diluted or disregarded in the assessment of applications.
- 29 Provisions or policy concepts in, or arising from, existing legislation (such as sections 6(e), 7(a) and 8 of the RMA, section 4 of the Conservation Act, section 12 of the EEZ Act and Te Mana o Te Wai in the National Policy Statement for Freshwater Management), and the weighting afforded those matters when making decisions, requires consideration of the environmental, social and cultural effects of resource use.
- 30 It is entirely inappropriate to remove those existing environmental safeguards, which in many situations are relied upon by iwi and hapū to safeguard their rights, interests and aspirations. These are important matters for all iwi and hapū, particularly those who are yet to settle their historical Treaty claims with the Crown and cannot rely on Treaty settlement protections.

Amendment sought

- 31 The Trust Board seeks an amendment that retains the application of existing legislative purposes, principles and provisions under the FTA Bill, while streamlining or making more efficient, existing approval processes.

Inappropriate concentration of power

- 32 The Trust Board strongly opposes the extensive and largely unrestrained powers the FTA Bill gives the Ministers for Infrastructure, Regional Development and Transport to approve projects. Suitably qualified and independent experts should be authorised to assess proposals under this legislation. Ministers do not have the expertise to make a better, more informed, decision than independent experts.
- 33 As drafted, the Ministerial decision-making criteria, both in terms of decisions to refer projects, and to approve or decline projects, is vulnerable to real or perceived political capture and misuse.

Amendment sought

- 34 Robust, independent assessment of proposals is an essential feature of good practice large-scale application assessment. The Trust Board seeks that it is incorporated into the FTA Bill.

Undemocratic silencing of public participation

- 35 The Trust Board opposes the extraordinary constraints placed on who can participate under the FTA Bill. While we would expect the Trust Board to be included as an iwi authority, local communities and other affected groups (such as environmental organisations who have a long history of effective involvement), are excluded from participating in the decision-making process under the FTA Bill.

- 36 This exclusion of public participation, for projects that (in all likelihood given their nature and scale) would normally be subject to public participation is hugely harmful, for both our communities and our taiao.

Amendment sought

- 37 The Trust Board seeks full public notification of all projects considered under this legislation if it is enacted.
- 38 The lack of public scrutiny through the Select Committee process of projects (yet to be) listed in Schedule 2 makes full public notification, including opportunities for submissions and a hearing by an independent expert panel a bottom line.

Impact on hapū

- 39 Among those who are excluded from the ability to provide direct comment to the joint Ministers and the Expert Panel are hapū who are not a Treaty settlement entity in their own right, do not have a Mana Whakahono a Rohe or a Joint Management Agreement (**JMA**) relevant to the projects concerned.
- 40 While the Trust Board may choose to include comments from our hapū in how we respond to invitations from the Joint Ministers and Expert Panel, this process undermines hapū rangatiratanga and puts a heavy burden and responsibility on us. Additionally, we want to make clear that it is not the role of iwi authorities to facilitate hapū engagement on FTA Bill processes. This should rightly be the role of the project applicant in the pre-application stage, and ultimately sits with the agency responsible in the referral application and Expert Panel stages. It is inappropriate and wrong to make iwi authorities the “scape goat” of this process by discharging a function on us that was not invited or warranted.
- 41 Additionally, while the Bill directs an applicant to undertake engagement with “relevant hapū” before lodging a referral application, it is inappropriate for hapū to then be excluded from commenting on the project directly to the Ministers and the Expert Panel. The Trust Board considers that this is another example of how the Government is attempting to marginalise the voice of hapū and limit participation rights in environmental and resource management approval processes.

Amendment sought

- 42 At the very minimum, the Trust Board seeks that all relevant hapū, are notified of all relevant projects, with the opportunity provided directly to respective hapū to make comment at every stage set out in the FTA Bill.

Unconstitutional

Te Tiriti o Waitangi

- 43 There is no requirement for decision makers to “take into account” or to “give effect to” the principles of the Treaty of Waitangi in the FTA Bill, or to protect and uphold iwi and hapū rights and interests guaranteed in Te Tiriti o Waitangi. While the Bill provides iwi and hapū limited protection for treaty settlements and recognised customary rights these are much more limited than the rights and interests guaranteed by Te Tiriti o Waitangi.
- 44 The Crown has an obligation to make decisions in a way that is consistent with Aotearoa’s founding document, Te Tiriti o Waitangi.

Amendment sought

- 45 The Trust Board seeks that you include a Tiriti principles clause that requires all persons exercising functions and powers under the FTA Bill to ‘give effect to’ Te Tiriti o Waitangi and its principles.

Listed project process

- 46 One problematic aspect of the FTA Bill is the “listed projects” that will be automatically referred to an Expert Panel, bypassing the need to apply to Ministers to make a referral decision (Schedule 2A listed projects), or, while still required to apply for referral, are legislatively “considered to have significant regional or national benefits” (Schedule 2B listed projects).
- 47 Listed projects were not included in the FTA Bill when introduced and referred to the Select Committee. Instead the Government is undertaking a separate process to consider projects for inclusion in Schedule 2A and 2B.⁵ This completely excludes the community and the Trust Board from having any meaningful input into what projects located in the Ngāti Tūwharetoa rohe will proceed under this bill. Projects proposed for inclusion in Schedule 2 of the FTA Bill should have been subject to public scrutiny through the Select Committee. To not provide this opportunity is unconstitutional and de-powers local decision-making at place.
- 48 The process also technically creates a loophole for Category 2A listed projects as the eligibility criteria in section 17 does not apply to them as they are automatically considered eligible by virtue of inclusion in Schedule 2A of the FTA Bill. The Trust Board have no confidence that the Government will honour the eligibility criteria in their behind-closed-doors assessment of Category 2A projects. Nor is there, arguably, any recourse to prevent a project from exploiting the loophole where it has been included in error.

Amendment sought

- 49 The Trust Board seeks that Schedule 2 is removed from the FTA Bill entirely or brought into the Select Committee process so that listed projects can be the subject of public scrutiny.

Te Tiriti o Waitangi settlements and recognised customary rights clause

- 50 Under clause 6 all persons exercising functions under the FTA Bill must act in a manner that is consistent with the obligations arising under existing Treaty of Waitangi settlements; and customary rights recognised under the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 of the NHNP Act.³

No amendment sought

- 51 The Trust Board supports clause 6, and seeks its retention, as a limited baseline recognition of iwi and hapū rights.
- 52 We want to be clear that preserving this clause does not address the substantive concerns of the Trust Board in respect of the FTA Bill not being required to give effect to the principles of Te Tiriti and for upholding and protecting the rights, interests and aspirations of iwi and hapū in the FTA Bill.

Impact on iwi and hapū yet to settle Treaty of Waitangi grievances

- 53 The Bill provides limited acknowledgement of hapū who are yet to settle Treaty of Waitangi grievances. The use of the term ‘existing’ Treaty settlements in section 6 means any hapū who have not at least entered into a deed of settlement are barred from their future settlement arrangements being captured by the FTA Bill. Nor does the section 17 ineligibility criteria protect land that would be considered for return through any future settlement.
- 54 While recognised negotiation mandates, or current negotiations for, Treaty settlements are expected to be covered in the agency report prepared under section 13, this is no substitute for the more protective mechanisms in sections 6 and 17 of the FTA Bill.

⁵ Refer to press release with this information.

- 55 The Trust Board reiterates the role that provisions or policy concepts in, or arising from, existing legislation (such as sections 6(e), 7(a) and 8 of the RMA, section 4 of the Conservation Act) play as safeguarding iwi and hapū rights, interests and aspirations.

Amendment sought

- 56 The Trust Board seek deletion of the word 'existing' from section 6(a), and the addition of land under consideration for return through settlement to the section 17 ineligibility criteria, as providing limited baseline recognition of the rights of hapū yet to settle Tiriti o Waitangi grievances. As above, this is not a panacea.

Implementation of Te Ture Whaimana o Waikato

- 57 The Trust Board supports the inclusion of Te Ture Whaimana o Waikato (the Vision and Strategy) as section 7 and in Schedule 13 of the FTA Bill, and considers that it needs to also be listed in clause 12(2) of Schedule 4 as new (aa).

- 58 It is simply not good enough to identify Te Ture Whaimana in the preliminary sections of the Bill and then omit Te Ture Whaimana from the explicit matters that are to be considered by the Expert Panel. This is principally because Te Ture Whaimana is the primary direction setting document for the upper Waikato River catchment and prevails over any inconsistent provision in any national policy statement or national environmental standard.

Amendment sought

- 59 The Trust Board seeks that:
- a. section 7 and in Schedule 13 are retained with no amendment; and
 - b. Te Ture Whaimana o Waikato is listed as new (aa) in clause 12(2) of Schedule 4 of the FTA Bill.

Ineligibility criteria

Flawed, and inconsistent, analysis supporting ineligibility criteria

- 60 The eligibility (and associated ineligibility) criteria at sections 17 and 18, which we consider are the first fundamental opportunity to prevent inappropriate projects progressing through the fast track process, are hugely inadequate. In practice:
- a. questioning whether access to the fast track process will decrease processing times for a project seems to be entirely rhetorical;
 - b. there is no test for what constitutes a significant regional or national benefit, and guidance in section 17(3) is in places extremely vague and open-ended;
 - c. many iwi are yet to settle their Treaty claims and many applicants under the Takutai moana legislation are still waiting to have their rights recognised;
 - d. only limited conservation land has been the subject of fulsome assessment to ensure all high-value land is protected with high conservation status.

- 61 The ineligibility criteria also takes an inconsistent approach. It overrides water conservation orders, which are national park equivalents in water.

Prohibited activities not ineligible

- 62 The Trust Board is deeply concerned that activities currently categorised as prohibited activities under the RMA are not included as ineligibility criteria. This directly overrides community and iwi and hapū decision-making that informed the content of regional or district plans in the Tūwharetoa rohe.

- 63 By way of example, the Trust Board worked jointly with other Waikato and Waipā River Iwi to implement Te Ture Whaimana through Proposed Plan Change 1 (PC1) which includes the upper Waikato River catchment⁶. The 10-year water quality targets in PC1 have the effect of hard limits: consequently, to exceed them is prohibited. The Trust Board is deeply concerned that an ‘eligible’ project —that will increase the discharge of contaminants into the upper Waikato River— could access the fast-track process and gain approvals that would not likely be consented through the standard RMA process.
- 64 In our view this example is compounded by the lack of public process and not only affects the Trust Board, but Māori landowning ahu whenua trusts with existing farming operations in the upper Waikato River catchment. The risk is their investment in developing farm environment plans and putting in place actions on the whenua is undermined by poorly thought-out projects. The impact is of serious consequence.

Applications from previously declined activities

- 65 There is nothing in the FTA Bill that prevents:
- a. an application that was previously declined through an RMA process; or
 - b. an application that was declined by Expert Panel and Joint Ministers,
- from re-applying as a ‘referral application’ with no, or few, changes that do not address the adverse effects of the activity. The Trust Board is fundamentally opposed to declined projects using the FTA Bill to submit a fresh application taking the benefit of the pro-development assessment criteria, where no effort has been made to address the adverse effects of the activity that were the reason for decline.
- 66 It also seems contradictory to the purpose of the FTA Bill, and a potential tool for abuse of power, to allow a project declined by an Expert Panel and Joint Ministers to promptly re-enter the fast-track system, given the inefficiencies in such an approach.

Re-consenting of existing applications

- 67 There is nothing in the FTA Bill preventing activities that have recently been granted consents, permits and approvals, from applying to access the fast-track process.
- 68 The Trust Board is concerned that recently consented activities will apply to the Joint Ministers as referral projects to secure:
- a. more enabling conditions;
 - b. longer duration; and
 - c. increased operating footprint, takes and discharges.
- 69 Relitigating recent RMA processes using the FTA Bill undermines the active participation of the Trust Board in those prior processes and devalues trust in the legislature and judicial system. This is an unacceptable outcome.

Amendment sought

- 70 The Trust Board seeks that:
- a. all land that is listed in Schedule 4 of the Crown Minerals Act is included in the FTA Bill’s ineligibility criteria;

⁶ PC1 gives effect to Te Ture Whaimana by setting 10-year and 80-year water quality targets in the Waikato and Waipā Rivers.

- b. agreement in writing to an activity is required for an activity to proceed on all Māori land as defined in Te Ture Whenua Māori Act 1991;
- c. activities categorised as prohibited activities under the RMA are included in the FTA Bill's ineligibility criteria;
- d. there is a minimum 24-month stand down period for projects that are declined by Joint Ministers;
- e. projects declined for their environmental effects must show that they will not have the adverse effect the subject of decline before being accepted for listing or referral.
- f. activities with existing resource consents that have either been granted in the previous 24-months, or are not expiring in the next 12-months, should be classified as "ineligible projects" under section 18 of the FTA Bill.

Timeframes

- 71 Process timeframes in the FTA Bill are inappropriately short.
- 72 The timeframe for iwi (including the role they are expected to play to facilitate hapū comment) to respond to invitations to comment from the Joint Ministers and Expert Panel is entirely unreasonable and impractical.
- 73 The Trust Board wants to advise that it will struggle to produce meaningful comment that supports decision-makers to understand "the actual and potential effects on the environment of allowing an activity in the 10 working day timeframe."⁷ We consider that input from iwi and hapū is critical information for the Panel in making its recommendation to the joint Ministers, and must not be compromised.
- 74 The unreasonableness and impracticality of the timeframe is further aggravated by the level of detailed information we expect an applicant will be required to submit to support projects of this scale, and to which iwi will need to respond. We expect this problem to be exacerbated by the:
- a. increasing level of detailed information that must be supplied by an applicant to the Expert Panel, compared to the general-level of information supplied for the 'referral application' process.
 - b. high likelihood that multiple Expert Panels will likely be simultaneously run in a region.

Amendment sought

- 75 The Trust Board seeks that invitations to comment or provide information from invited groups are extended to 20 working days as a minimum.⁸

Strategic planning

- 76 The FTA Bill demonstrates an alarming lack of strategic foresight and planning across the motu. It is probable that most of the projects being fast-tracked will have no strategic relationship to one another and will be implemented in a way that does not optimise regional and national benefits in the Ngāti Tūwharetoa rohe.
- 77 The Trust Board believe it would make more sense to develop an overarching strategic plan that illustrates the strategic relationship between projects and directs the sequencing of when

⁷ FTA Bill Schedule 4, clause 34(1).

⁸ This will require included amendment to section 19(5); Schedule 4, clause 21(1); Schedule 4, clause 28 and Schedule 12, clause 5(b).

projects would be fast-tracked. Then the FTA Bill would simply implement those projects that are spatially planned.

- 78 In its current form, the FTA Bill is likely to result in poor planning outcomes that reflect a lack of spatial planning and will need to be addressed at great cost in the future.

Climate change

- 79 Full and adequate consideration of FTA Bill applications is particularly critical with the additional environmental challenges presented by climate change, including warming oceans and sea level rise, now and in the immediate future. Continued sustainable management of resources in this changing and dynamic environment, to support strong economic growth in the medium to long term, requires robust environmentally sustainable baselines to underpin and inform the assessment of FTA proposals. These matters are not adequately provided for in the bill. Instead, the FTA Bill disincentivises good practice to address developing environmental impacts.
- 80 Ensuring resource users are operating within sustainable limits is critical for both our international reputation as a country focused on environmental sustainability and also to support industries to maintain their social license to operate.

Aotearoa's international reputation

- 81 Ultimately, the FTA Bill is a bad business case. It promotes a "development at any cost" philosophy that appears driven by a "build it and they will come" mentality seeking to accelerate resource extraction and exploitation. This is very short-sighted as the outcome of this policy direction will have damaging long-lasting effects.
- 82 The FTA Bill's enablement of projects such as mining on conservation land, drilling for oil and gas, seabed mining, major irrigation schemes and intensive pastoral farming to grow New Zealand's economy is an outdated approach for short-term political gain, that will ultimately result in significant long-term losses, including economic loss.
- 83 The approach fundamentally undermines our reputation internationally. Often trading on the back of iwi and hapū taiao leadership, Aotearoa has an exemplary international reputation and has made significant investment in the clean-green brand image, which will be negatively impacted.

KEY FEATURES OF RESPONSIBLE FAST TRACK LEGISLATION

- 84 Responsible fast-track approval processes under new legislation must, as a minimum:
- a. recognise and provide for the sustainable health and wellbeing of the environment;
 - b. recognise and uphold existing Tiriti settlement frameworks and arrangements (in terms of purpose, principles and processes);
 - c. recognise and provide for the rights and interests of iwi and hapū in relation to te taiao (including purposes and principles in relevant natural resource legislation and planning/policy instruments – eg, sections 6(e), 7 and 8 of the RMA and s 4 of the Conservation Act – noting that most Te Tiriti settlement arrangements have been expressly constructed with reference to those existing statutory frameworks); and
 - d. provide for and incentivise the active participation of iwi/hapū from the outset of any infrastructure and development projects (ie, pre-application and pre-any Ministerial approval).

CONTACT

- 85 Please direct all communications to the Trust Board in relation to this submission to Peter Shepherd, Natural Resources Manager at peter@tuwharetoa.co.nz.