

Notice is hereby given that an extraordinary meeting of Horowhenua District Council will be held on:

Date: Wednesday 17 April 2024
Time: 10:30 am
Meeting Room: Council Chambers
Venue: 126-148 Oxford St
Levin

Council OPEN AGENDA

MEMBERSHIP

Mayor	His Worship The Mayor Bernie Wanden
Deputy Mayor	Councillor David Allan
Councillors	Councillor Mike Barker
	Councillor Rogan Boyle
	Councillor Ross Brannigan
	Councillor Clint Grimstone
	Councillor Nina Hori Te Pa
	Councillor Sam Jennings
	Councillor Paul Olsen
	Councillor Jonathan Procter
	Councillor Justin Tamihana
	Councillor Piri-Hira Tukapua
	Councillor Alan Young

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Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. Should Members require further information relating to any reports, please contact the Chief Executive Officer or the Chairperson.

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Karakia

Whakataka te hau ki te uru	Cease the winds from the west
Whakataka te hau ki te tonga	Cease the winds from the south
Kia mākinakina ki uta	Let the breeze blow over the land
Kia mātaratara ki tai	Let the breeze blow over the ocean
E hī ake ana te atakura	Let the red-tipped dawn come with a sharpened air.
He tio, he huka, he hau hū	A touch of frost, a promise of a glorious day.
Tīhei mauri ora!	

1 Apologies

2 Public Participation

Notification of a request to speak is required by 12 noon on the day before the meeting by phoning 06 366 0999 or emailing public.participation@horowhenua.govt.nz.

3 Late Items

To consider, and if thought fit, to pass a resolution to permit the Council to consider any further items which do not appear on the Agenda of this meeting and/or the meeting to be held with the public excluded.

Such resolution is required to be made pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987, and the Chairperson must advise:

- (i) The reason why the item was not on the Agenda, and
- (ii) The reason why the discussion of this item cannot be delayed until a subsequent meeting.

4 Declarations of Interest

Members are reminded of their obligation to declare any conflicts of interest they might have in respect of the items on this Agenda.

File No.: 24/205

5.1 Fast Track Approvals Bill - Council Submission

1. Purpose

1.1 To present a submission on the Fast Track Approvals Bill to Council for adoption.

2. Executive Summary

- 2.1 On the 7th March 2024, the Fast Track Approvals Bill (the Bill) was introduced to the House under urgency and is currently with the Environment Select Committee for public submissions. The Bill provides a pathway for projects to receive their required approvals under multiple pieces of legislation through a single process. The purpose is to provide a more efficient and cost effective process to approve development projects (such as housing and infrastructure proposals) that will deliver regionally or nationally significant benefits.
- 2.2 The Bill sets out that proposals can be considered for the fast track process via two mechanisms. The first is to be a 'listed' project (that is to be specifically listed in the legislation), the second is to be referred project (to apply to be referred to the fast track process). If a proposal goes through the fast track process, it is subject to different assessment matters and decision making process than is generally provided for through existing pieces of legislation such as the Resource Management Act 1991 (RMA). Significantly, proposals that go through the fast track process are to be decided by Ministers, rather than by Councils or the Environment Court.
- 2.3 The Bill is relevant to Council in its capacity as both a consent authority and a consent applicant. Further, projects that stand to be approved under the process proposed Bill may result in both positive and negative effects for the community. As such, the purpose of this report is to present a submission for Council's consideration suggesting a number of refinements.

3. Recommendation

- 3.1 That Report Fast Track Approvals Bill - Council Submission be received.
- 3.2 That this matter or decision is recognised as not significant in terms of S76 of the Local Government Act.
- 3.3 That Council adopt the Fast Track Approvals Bill Submission.

4. Background / Previous Council Decisions

- 4.1 The costs of consenting infrastructure projects in Aotearoa/New Zealand are increasing rapidly. The supplementary analysis report prepared by the Ministry for the Environment to support the introduction of the Bill details that currently infrastructure project costs \$1.29 Billion per year and that time taken to obtain the necessary consents had doubled in the last 5 years¹. The supplementary analysis report further identifies that current approval processes do not sufficiently recognise the social and economic benefits of development.
- 4.2 The previous Government also recognised the time and cost challenges associated with consenting large scale projects, having introduced both the COVID-19 Recovery (Fast Track Consenting) legislation and, later, providing for a fast track process in the Natural and Built

¹ https://environment.govt.nz/assets/publications/FTAB-24-Supplementary-Analysis-Report-PCO_Redacted.pdf

Environment Act which has since been repealed. Both of these previous forms of 'fast track' legislation differ from the Bill in terms of purpose, assessment matters, and decision making.

- 4.3 It appears that the Bill will speed up the approvals process for relevant projects. However, these efficiency gains come with a cost, including reduced opportunity for local voice.
- 4.4 On 28th March 2024, Council held a public workshop where they received a summary of the Bill and discussed making a submission. Following this discussion, Council determined that this should be decided via a Council meeting. The submission being considered today has been drafted based on discussion at the workshop.

5. Discussion

- 5.1 The purpose of the Bill is as follows:

"The purpose of this Act is to provide a fast-track decision-making process that facilitates the delivery of infrastructure and development projects with significant regional or national benefits"

- 5.2 It is expected that this Bill will speed up and reduce costs of consenting/approving projects, such as resource consents and notices of requirement (both under the Resource Management Act 1991). It can also be used to gain approvals under a number of other acts, including the Conservation Act, Wildlife Act, and the Heritage New Zealand Pouhere Taonga Act.
- 5.3 The purpose of the Bill is proposed to override the purpose of other acts, including the 'sustainable management' purpose of the Resource Management Act. This means that decisions made under the fast track legislation will have to give more weight to whether a proposal will deliver regionally or nationally significant benefits than to whether the proposal represents sustainable management of natural and physical resources.
- 5.4 Projects not listed in the Bill as being 'automatically' eligible to go through the fast track process can apply to go through the fast track process. This decision will be made by Ministers (the Minister of Transport, Minister of Infrastructure, and Minister of Regional Development). In making the decision whether to refer a project to the fast track process, Ministers must consider project's consistency with Bill's purpose. They must seek comments from the relevant Councils, portfolio ministers, Iwi authorities and Treaty settlement entities, and Marine and Coastal Area Act rights holders. They may also consider the efficiency of referring the project, whether the project will have significant adverse effects, and the applicant's compliance history.
- 5.5 Proposals eligible for the fast track process (either by being listed or referred) are then considered by an expert consenting panel. Expert consenting panels will be made up of 4 members, including 1 nominee by local authorities and 1 from Iwi authorities. There is scope for consenting panels to be larger than 4 members if this is required to meet the nomination requirements of local councils and Iwi authorities.
- 5.6 Expert consenting panels consider the application based on the following matters, in the order listed and make a recommendation to Ministers.
- Alignment with the Fast Track Bill's purpose;
 - Alignment with RMA purpose;
 - National Policy Statements, Council Plans, Treaty settlements, MACA rights, Mana Whakahono ā Rohe and Joint Management Agreements;
 - Environmental effects (s104 RMA).
- 5.7 Following the receiving the recommendation of the expert consenting panel, Ministers will make the decision. There are no appeal rights on decisions, except on points of law.
- 5.8 The Bill may deliver the following benefits:

Faster decision making and reduced consenting costs;

Quicker construction of needed infrastructure;

Focus on benefits of development may lead to greater certainty and more innovation.

5.9 The Bill may deliver the following risks/costs:

Limited ability for local voice to influence decision making;

The Bill does require principles of Te Tiriti to be given effect to, putting iwi/hapū relationships at risk and potentially putting pre-settlement iwi at a disadvantage;

Risk of environmental harm (due to focus on benefits over adverse effects and the ability to get approval for prohibited activities);

Risks associated with Ministerial decision and both the beginning and end of the process;

Risk that the costs of upgrading infrastructure and remedying unmitigated environmental effects will be passed on to Councils.

5.10 Other considerations include whether there is sufficient capacity in the system to deliver the intended efficiency benefits. At present there are over 100 projects considered to be listed in the Bill itself, with numerous other projects likely to apply go through the referral route.

5.11 This legislation is significant for Council in two key ways. Firstly, as a consent applicant and secondly, as a consent authority and infrastructure provider.

5.12 In respect of being a consent applicant, there may be projects that Council wish to utilise the fast track process for – either by seeking to be a listed project, or by applying through the referral process. If so, there would likely be time and cost efficiencies for Council in getting approval for projects.

5.13 As a consent authority, Council will have a role in the fast track process in terms of providing comments to Ministers and expert consenting panels. The timeframes to do this are short (10 working days) and will likely be resource intensive, with the proposals that will go through this process likely to be large scale and complex, with significant and technical supporting information. Council's planning documents (e.g. the District Plan) may be overridden by this process and Council may be left with financial costs associated with upgrading infrastructure and remedying unmitigated environmental effects will be passed on to Councils.

6. Options

6.1 Option 1 – Adopt the attached submission

Adopt the submission as attached.

This, along with Option 1(a), is the recommended option.

6.2 Option 1(a) – Adopt the attached submission, with amendments agreed by Council

Adopt the submission, but make amendments as agreed by Council at its meeting.

This, along with Option 1, is the recommended option.

6.3 Option 2 – Do not make a submission

This option is not recommended, due to the potential impact that the Bill could have on Council and the community.

6.4 Option 3 – Prepare a new submission, taking a different approach to the attached submission

This option is not recommended, as submissions are due on 19th April and there is insufficient time to prepare a new submission with a new direction.

Cost

- 6.5 None of the options come with any financial cost.

Rate Impact

- 6.6 There is no rate impact from any of the options.

Community Wellbeing

Community wellbeing has the potential to be impacted by the Bill. In a positive sense, the Bill will make it easier to approve (and deliver) projects that have regionally or nationally significant benefits. On the other hand, it is possible that the projects approved under the process set out in the Bill will have adverse effects and financial costs on local communities and environments, which the community do not have a chance to have their say on.

Consenting Issues

- 6.7 There are not consenting issues arising from making a submission (or otherwise). If the Bill is passed, there will be impacts on future consenting processes.

LTP Integration

- 6.8 There is no LTP programme related to the options. There is no Special Consultative Processes required.

7. Consultation

- 7.1 There is no consultation required. Members of the community can make their own submissions on the Bill to the select committee.

8. Legal Considerations

- 8.1 There are no Legal Requirements or Statutory Obligations affecting options or proposals.

9. Financial Considerations

- 9.1 There is no financial impact arising from any of the options.

10. Iwi Considerations

- 10.1 The role for iwi/hapū set out in the Bill is reduced, compared with existing acts such as the RMA. Significantly, the Bill does not require the principles of Te Tiriti to be given effect to. Officers have provided iwi partners with a copy of the Council workshop information from the 28th March 2024 to help support their respective submission preparation processes.

11. Climate Change Considerations

- 11.1 There are no climate change considerations associated with the options. However, it is noted in the submission that the Bill may not currently require sufficient consideration of climate change impacts.

12. Environmental Considerations

- 12.1 There are no climate change considerations associated with the options. However, environmental impacts could result from projects approved under the fast track process, due to the lower weighting of adverse environmental effects compared with benefits of the proposal.

13. Health & Safety Considerations

- 13.1 There is no health and safety impact.

14. Other Considerations

15. There are no other considerations.

Next Steps

- 15.1 If Council resolve to make a submission, Officers will finalise the submission making any necessary or requested amendments before submitting to the Environment Select Committee, prior to the 19th April 2024.

16. Supporting Information



Strategic Fit/Strategic Outcome					
The options are not relevant to any existing Council policies or strategies, as they are responding to an opportunity to submit on a Bill.					
Decision Making					
The options do not link directly with the LTP. The decision as to whether to submit or not is not significant and does not trigger special consultative procedures.					
Consistency with Existing Policy					
The options are not relevant to any existing policy.					
Funding					
The options do not require any funding.					
Risk Area	Risk Identified	Consequence	Likelihood	Risk Assessment (Low to Extreme)	Managed how
Strategic	Not taking a position on key elements on the Bill, including the diminished role for iwi/hapū and absence of Te Tiriti principles.	Risk to iwi/hapū relationship. Risk to community perception of Council.	Low.	Medium.	Make a submission addressing these points.
Financial	Nil.	Nil.	Nil.	Nil.	Nil.
Service Delivery	Nil.	Nil.	Nil.	Nil.	Nil.
Legal	Nil.	Nil.	Nil.	Nil.	Nil.
Reputational	Community and/or other stakeholders disagree with Council's submission.	Dissatisfaction and/or implications for any future fast track applications.	Low.	Low.	Carefully consider submission contents.
<u>Confirmation of statutory compliance</u>					
In accordance with section 76 of the Local Government Act 2002, this report is approved as:					
a. containing sufficient information about the options and their advantages and disadvantages, bearing in mind the significance of the decisions; and,					

- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

17. Attachments

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A1	Fast Track Approvals - Submission - Council Agenda	13

Author(s)	Lauren Baddock District Plan Lead	
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Approved by	David McCorkindale Group Manager - Vision & Delivery	
	Monique Davidson Chief Executive Officer	

Committee Secretariat
Environment Committee
Parliament Buildings
Wellington
en@parliament.govt.nz



19th April 2024

Dear Environment Select Committee,

Submission on Fast Track Approvals Bill

1. Horowhenua District Council (HDC) are grateful for the opportunity to make a submission on the Fast Track Approvals Bill (FT Bill). The Horowhenua District Council adopted this submission at its meeting on 17 April 2024. Council unanimously agree that change to promote efficiency and cost reductions in the consenting system is needed. However, like the community, the Council had a broad range of views on the Bill and its contents. Some members support the Bill in its entirety, while others have significant concerns. This submission represents the majority view of Council.
2. HDC acknowledge the problem the FT Bill is seeking to address – that the time and cost involved in consenting significant projects (particularly infrastructure projects) is too high and that the process does not give sufficient weight to the benefits of development. HDC support the need to address this, so at a fundamental level support the Bill. However, we are concerned that current drafting does not provide sufficient opportunity for Mātauranga Māori and the views and role of Iwi/Hapū/Māori to be considered, allows Ministers too much involvement in local matters, and that it could result in negative consequences for local communities, including additional burden on Council infrastructure and unmitigated environmental effects. The costs of addressing these impacts are likely to be passed on to Councils, and therefore communities, who are already experiencing significant financial pressures and near unprecedented rates increases.
3. HDC's submission focuses primarily on the FT Bill as it relates to Resource Management Act approvals. It considers the FT Bill from the perspective of both a consent authority and a consent applicant, with a focus on recommending changes that will be the best for our community in both the short and long term.

Outcomes Enabled by Fast Track

4. HDC agrees that processes for approving large scale development and infrastructure projects takes too long and costs too much. It appears that the FT Bill will deliver considerable time and cost savings. The focus on projects delivering benefits may also encourage innovative and outcome focused development proposals, which HDC supports at a conceptual level. As currently drafted, the Bill relies heavily on the integrity of applicants to appropriately engage communities, Te Tiriti partners, and manage the impacts of their developments. While this will certainly be the case for some applicants, it may not be the case for all.

Insufficient Role for Iwi/Hapū/Māori

5. While the Bill does provide some role for iwi, HDC recommend that this be strengthened. While providing for Iwi Authorities generally to provide comment, the focus of the Bill is on upholding Treaty settlement legislation and arrangements, rather than upholding the principles of Te Tiriti. This has the potential to lead to suboptimal outcomes, particularly for pre-settlement iwi. This is of concern to HDC as the two largest iwi within the Horowhenua District are pre-settlement, although each are working through the process. As such they do not have Treaty settlement entities or any specific iwi participation legislation. HDC values its relationship with its iwi and hapū partners and values the knowledge, expertise, and perspectives they bring to resource management processes. It is important the Bill ensures that the environments and values of iwi/hapū who do not yet have treaty settlements are sufficiently protected.

6. Current drafting does not sufficiently acknowledge or allow for the voice/s of hapū or hapū collectives. While applicants are required to consult with hapū and record any response to feedback, neither Ministers nor expert consenting panels are required to invite hapū to comment on proposals. In some contexts, engagement with hapū will be more appropriate, so scope for this should be provided for within the Bill.
7. HDC note that the Bill does not contain a requirement to give effect to the principles of Te Tiriti. Specifically, Section 8 of the Resource Management Act is excluded from the matters that expert consenting panels are able to consider when making recommendations on proposals. HDC are concerned that this will inhibit meaningful consideration of iwi inputs to the fast track process and recommend that this be included.
8. HDC are unclear if the Bill provides a cost recovery pathway for iwi input (as it does for Councils). If not, HDC recommend that provision for this be made.
9. HDC support the provision for iwi to appoint a member to the expert consenting panel and recommend that this be retained.

Insufficient Role for Local Voice

10. HDC support the provision for local authorities to appoint a member to the expert consenting panel and recommend that this be retained.
11. In respect of timeframes to provide feedback on both referral to fast track and to expert consenting panels, HDC are of the view that 10 working days is too short, for both iwi and Councils. While we understand the driver to speed up consenting decisions, it is important that those whose knowledge can meaningfully contribute to decision making and who stand to be impacted are given the appropriate opportunity to input. HDC recommend that this be extended to 20 working days, at least for one of the decision making stages (e.g. either the referral or the substantive decision).
12. While the reasoning for Bill is understood and supported, HDC do note that activities progressed under this legislation are those most likely to have adverse effects and/or be inconsistent with local planning documents that went through public processes to be produced. However, there is very limited opportunity for local communities to have their say. HDC recommend that consideration be given to how to provide a pathway for local voice to be heard, while not compromising the need for process efficiency. Examples include providing for written only submissions, and extending the timeframes made available for local authorities to comment on proposals to allow them time to consult with their communities.

Risk of Environmental Harm

13. HDC support the weight the Bill gives to the benefits of proposals. However, HDC are concerned that the Bill does not give sufficient weight to the possible adverse effects of development or sustainable management. HDC see a risk that significant, or even irreversible, environmental harm could result. Poor environmental outcomes (such as degraded water quality, insufficient water availability, biodiversity loss) could all result in economic impacts for businesses and resource users who depend on access to a quality, stable environment and lead to the need to carry out time consuming and expensive rehabilitation projects. HDC recommend that this gap be addressed. Suggestions for this include:
 - That the purpose of the FT Bill include a consideration of costs alongside benefits, including a need to balance these.
 - That the types of activities able to go through a FT process are more limited than is currently proposed. Further detail on this recommendation is contained within paragraph 19 of this submission.
14. HDC are also of the view that consideration of risks from natural hazards and climate change are insufficiently provided for in the Bill as currently drafted, potentially leading to situations such as large scale housing developments being approved in high risk locations. The severe weather events of the last several years have highlighted the significant human and economic impact of recovery. As seen following those events, the time and costs of recovery put extreme financial pressure on people, communities, and government – not only as a direct result of repairing and rebuilding but also through the impacts of inflation, driven by spend on recovery. As local and central government politicians we can't control when or where extreme weather events will occur, but through our decisions we can reduce the impact on both our communities and our economies. It is

important that decisions made under the fast track legislation consider whether short term benefits will translate over the long term.

15. Lastly, HDC are concerned that the Bill provides for consent to be sought for prohibited activities. Prohibited activity status is reserved for the activities that pose the greatest risk of harm to people, communities, and environments. Activities need to have gone through a public process to be classified in this manner. While the Horowhenua District Plan does not contain any prohibited activities, Horizon's One Plan (Manawatū-Whanganui Regional Policy Statement, Regional Plan and Coastal Plan) does. Prohibited activities in the One Plan include discharge of untreated human effluent directly to surface water, the damming of protected rivers, and the dumping of hazardous substances. Such activities are clearly inappropriate and HDC does not support the potential for these activities to establish in our rohe, particularly given the limited opportunities for community input on such proposals in the Bill at present.
16. HDC's preference is that prohibited activities are not allowed for under the Bill at all. However, if this provision has been included as a means of addressing inappropriate use of prohibited activities status, HDC suggest that the Bill be amended so that consent may only be sought for prohibited activities in certain circumstances (such as greenfield development that is consistent with the outcomes sought by national direction).

Fast Track Process

17. Moving on to procedural matters, HDC have a number of suggested changes that we consider would enhance the process and achieve better balance between process efficiency and outcomes delivered.

Significance of Referral Decision

18. Given the clear presumption that projects that are referred to the fast track process will be approved, having the appropriate tests at the referral stage is critically important. As currently drafted, the referral decision is based primarily on the proposal's consistency with the Bill's purpose. This is also the most significant consideration in the decision as to whether or not to approve the proposal overall. This is somewhat circular and may lead to the costs and/or adverse effects of development not being appropriately considered.
19. As currently drafted, Ministers may consider whether the proposal will have significant adverse effects when deciding whether or not to refer projects. However, this is not a requirement. In addition to the changes suggested in paragraph 13 regarding consideration of the costs of development, HDC recommend that the Bill be amended to state the Ministers must consider whether a proposal will have significant adverse effects when making the referral decision. If the referral decision is seen as an opportunity to weed out projects that will have significant adverse effects, it may result in further efficiency gains for the projects that are ultimately referred, due to having a level of confidence that referred projects will not give rise to significant adverse effects.

Role of Ministers

20. As currently drafted, the process that would be enabled by the FT Bill begins and ends with a Ministerial decision – that is both the referral decision and the substantive decision rests with Ministers. This is in contrast to the previous fast track legislation, where the referral decision occurred at the Ministerial level while substantive decision was made by expert consenting panels. Additionally, it is noted that at both ends of the process, Ministers will apply very similar tests (e.g. determining whether the proposal will have significant regional or national benefits).
21. Given the lack of appeal options and, as a result, the lack of opportunity for technical evidence to be tested in legal process there is a risk that decision making is based on matters other than the evidence at hand. Environment Courts (and expert consenting panels) are apolitical and make decisions based on evidence. With Ministers having different drivers for decision making and with no (minimal) court oversight, there is considerable risk in having a very small number of Ministers making decisions without testing of technical advice.
22. One of the key drivers of this Bill is to provide consent applicants with greater certainty about the outcomes of their applications. HDC are concerned the Bill as currently drafted may not provide this. Unlike the COVID Fast Track Consenting legislation, this legislation is intended to be enduring. This means that the Ministers responsible for making decision making could change significantly over the lifetime of the legislation, each with different priorities and drivers. As such, there is risk that decision making under this legislation will vary

significantly depending on who the Ministers are and which parties are in government. This could lead to more, rather than less, certainty for applicants and developers. It will be important to ensure that the decision making criteria can be applied consistently, fairly and there is transparency throughout the process, whichever parties form the government of the day. Without this transparency the success the Government seeks through this process will not be able to be seen.

23. HDC recommend that the process be amended in one of the following ways:

That Ministers make the referral decision, while expert consenting panels make the substantive decision;
or;

That if Ministers disagree with the recommendations of the expert consenting panel, the decision is then referred to a third party (such as an Environment Court judge), with or without a hearing.

Scope of Appeal Options

24. HDC acknowledge that court processes are slow and expensive. However, HDC are also of the view that they help to ensure decision making is robust, as these processes allow for both thorough testing of evidence and independent decision making. HDC are concerned about the lack of appeal options, given the limited opportunity for community input and the current drafting which puts Ministerial decisions at both the beginning and end of the process.
25. If the changes already recommended are implemented, HDC would have fewer concerns about the lack of appeal options. However, if these changes (or other similar changes) are not made, HDC are of the view that appeals on substantive matters need to be provided for.

Implementation Challenges

26. Having provided feedback on both the outcomes enabled by the FT Bill and the process to achieve these, HDC also wish to provide feedback on potential implementation challenges.

Capacity in System

27. HDC note that capacity in the planning and resource management system has been a challenge for some time. There is a lack of suitably qualified and experienced practitioners across a number of parts of the resource management system, including engineers and planners. These people will be critical to both preparing applications under the FT process, but also to forming expert consenting panels. This could result in a 'logjam' of applications, potentially slowing the process down. Filling resource gaps in the system will take significant time, so it is critical that the FT process is used appropriately and reserved only for projects that are best suited to this process.

Costs of Addressing Infrastructure Burden and Unmitigated Environmental Effects

28. HDC are concerned that, due to the procedural steps being centered around achieving efficiency, the FT process will result in activities being approved that will either place a burden on Councils' infrastructure (necessitating expensive and potentially unplanned upgrades) and/or result in unmitigated environmental effects (for example, insufficient stormwater management) that will fall to Councils, and therefore local communities, to address. HDC emphasises that the success of the FT system hinges on sufficient resourcing to ensure activities that are approved can actually occur and avoid placing unnecessary costs on to communities.
29. HDC seek the inclusion of provisions to ensure that the costs of addressing unmitigated or unanticipated adverse effects of developments are met by the developer and that the costs to Council's infrastructure are met by either the developer or central government funding.

Conclusion and Summary of Changes Sought

30. To conclude, HDC support the need to reduce the time and costs involved with obtaining consent and approvals to deliver complex development projects and, at a fundamental level, support the intention behind the FT Bill. However, HDC recommend a number of changes to improve the Bill and the outcomes it will perpetuate which are contained throughout this submission. For ease of reading, these are summarised and replicated below:

- (i) Ensure pre-settlement iwi are not at a disadvantage in the FT process.
 - (ii) Provide opportunity for hapū involvement at both the referral and substantive decision stages, where this is appropriate.
 - (iii) Introduces the principles of Te Tiriti as a matter that must be considered when making substantive decisions.
 - (iv) Amend the timeframe for iwi/hapū to provide comment on either the referral decision or the substantive decision to a minimum of 20 working days and provide for cost recovery.
 - (v) Provide more strongly for local voice, either through a written submission period or by providing local authorities long enough to consult their communities prior to providing comment on proposals.
 - (vi) Amend the purpose of the FT Bill to include a consideration of costs alongside benefits, including a need to balance these, and/or limit the types of activities that can go through a FT process including by making the consideration of significant adverse environmental effects a mandatory in making the referral decision.
 - (vii) Include a requirement for stronger assessment of a proposal's vulnerability to natural hazards and climate change.
 - (viii) Remove the ability to apply for approval to carry out prohibited activities, or amend so that so that consent may only be sought for prohibited activities in certain circumstances (such as greenfield development that is consistent with the outcomes sought by national direction).
 - (ix) Amend the Bill so that the FT process does not begin and end with Ministerial decisions. For example, amend so that either Ministers make the referral decision, while expert consenting panels make the substantive decision; or that if Ministers disagree with the recommendations of the expert consenting panel, the decision is then referred to a third party (such as an Environment Court judge), with or without a hearing.
 - (x) If the changes recommended in (ix) are not made, provide scope for appeals on substantive matters.
 - (xi) Include provisions to ensure that developers meet the costs of addressing unmitigated or unanticipated adverse effects of developments.
 - (xii) Ensure that either the developer or central government funding meets the costs to Council's infrastructure.
- 31.** To conclude, HDC appreciate the opportunity to provide feedback on the FT Bill. We are happy to answer questions on the content of this submission.

Ngā Mihi,

Horowhenua District Council Mayor and Councillors.