



**I, Kitea Tipuna, Tumu Whakarae Chief Executive, hereby give notice that
an Ordinary Meeting of Council will be held on:**

Date: Tuesday, 7 May 2024
Time: 1:30pm
Location: Council Chamber, Wairoa District Council,
Coronation Square, Wairoa

AGENDA

Ordinary Council Meeting

7 May 2024

MEMBERSHIP: His Worship the Mayor Craig Little, Cr Denise Eaglesome-Karekare, Cr Jeremy Harker, Cr Melissa Kaimoana, Cr Chaans Tumataroa-Clarke, Cr Benita Cairns, Cr Roslyn Thomas

The agenda and associated papers are also available on our website: www.wairoadc.govt.nz

For further information please contact us 06 838 7309 or by email info@wairoadc.govt.nz

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- 1 KARAKIA**
- 2 APOLOGIES FOR ABSENCE**
- 3 DECLARATIONS OF CONFLICT OF INTEREST**
- 4 CHAIRPERSON'S ANNOUNCEMENTS**
- 5 LATE ITEMS OF URGENT BUSINESS**
- 6 PUBLIC PARTICIPATION**

A maximum of 30 minutes has been set aside for members of the public to speak on any item on the agenda. Up to 5 minutes per person is allowed. As per Standing Order 15.1 requests to speak must be made to the Chief Executive Officer at least one clear day before the meeting; however this requirement may be waived by the Chairperson.

7 MINUTES OF THE PREVIOUS MEETING

Ordinary Meeting - 9 April 2024

**MINUTES OF WAIROA DISTRICT COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, WAIROA DISTRICT COUNCIL, CORONATION SQUARE, WAIROA
ON TUESDAY, 9 APRIL 2024 AT 1:30PM**

PRESENT: Cr Denise Eaglesome-Karekare, Cr Jeremy Harker, Cr Melissa Kaimoana, Cr Benita Cairns, Cr Roslyn Thomas

IN ATTENDANCE: **Kitea Tipuna** (Tumu Whakarae | Chief Executive), **Gary Borg** (via zoom, Pouwhakarae – Pūtea/Tautāwhi Rangapū | Group Manager Finance and Corporate Support), **Hinetaakoha Viriaere** (Pouwhakarae Whakamahere me te Waeture | Group Manager Planning & Regulatory), **Michael Hardie** (Pouwhakarae – Hua Pūmau | Group Manager Assets and Infrastructure), **Juanita Savage** (Pouwhakarae Rātonga Hapori me te Whakawhanake | Group Manager Community Services and Development), **Sarayde Tapine** (Kaiurungi Kaupapa Here me Mana Ārahi | Policy and Governance Advisor), **Chase Cook** (Kaiwhakahaere Tūtohu me te Whakaaetanga | Compliance and Licensing Manager), **Steve Baker** (Recovery Support Officer via Zoom), **Henare Mita** (Māori Standing Committee Chairperson), **Theresa Thornton** (Māori Standing Committee Member), **Emma Wright McHardie** (GMD Consultant via Zoom), **Natalie Street** (GMD Consultant via Zoom),

1 KARAKIA

The Opening Karakia was given by the Chief Executive, Kitea Tipuna.

Deputy Mayor Eaglesome-Karekare chaired this meeting due to the extended leave of His Worship the Mayor, Craig Little.

2 APOLOGIES FOR ABSENCE

APOLOGIES

RESOLUTION 2024/14

Moved: Cr Benita Cairns

Seconded: Cr Melissa Kaimoana

That the apologies received from His Worship the Mayor Craig Little and Cr Benita Cairns be accepted and leave of absence granted.

CARRIED

3 DECLARATIONS OF CONFLICT OF INTEREST

Nil.

4 CHAIRPERSON'S ANNOUNCEMENTS

Nil.

5 LATE ITEMS OF URGENT BUSINESS**LATE ITEMS****RESOLUTION 2024/15**

Moved: Cr Denise Eaglesome-Karekare

Seconded: Cr Jeremy Harker

That the report Item 10.1 – Wairoa District Council Commissioned Independent Review Cyclone Gabrielle and Item 10.2 – Assessment of Hawke's Bay Three Waters Aggregation Plan for Wairoa District Council be received as late items.

CARRIED

6 PUBLIC PARTICIPATION

Castalia presentation in public excluded relative to Item 10.2 – Assessment of Hawke's Bay Three Waters Aggregation Plan for Wairoa District Council.

7 MINUTES OF THE PREVIOUS MEETING**RESOLUTION 2024/16**

Moved: Cr Roslyn Thomas

Seconded: Cr Denise Eaglesome-Karekare

That the minutes of the Ordinary Meeting held on 12 March 2024 be confirmed.

CARRIED

8 GENERAL ITEMS**8.1 FREEDOM CAMPING BYLAW DETERMINATIONS****RESOLUTION 2024/17**

Moved: Cr Jeremy Harker

Seconded: Cr Melissa Kaimoana

The Kaiwhakahaere Tūtohu me te Whakaaetanga | Compliance and Licensing Manager RECOMMENDS that Council:

1. Receive the '*Freedom Camping Bylaw Determinations*' Report;
2. Determine that a bylaw continues to be the most appropriate way of addressing the perceived problems related to freedom camping, made under section 11(2) of the Freedom Camping Act 2011 for one or more of the following purposes:
 - (i) to protect an area;

(ii) to protect the health and safety of people who may visit an area;

(iii) to protect access to an area.;

3. Request the Chief Executive initiate a review of the Wairoa District Council Consolidated Bylaw Part 9 – Freedom Camping to develop a new draft bylaw and statement of proposal for public consultation.

Note the review will consider the option to create a standalone Freedom Camping Bylaw as an alternative to the continued incorporation within the existing Wairoa District Council Consolidated Bylaw.

CARRIED

The Compliance and Licensing Manager briefly introduced the reports and GMD consultants Emma and Natalie who spoke to the report. He noted that the report is to determine whether a bylaw is appropriate for managing and dealing with freedom camping in the Wairoa District.

GMD Consultant Ms Street reported to elected members that given some legislative changes in 2023 to the Freedom Camping Act a number of councils around the country are reviewing their freedom camping bylaws to ensure consistency with the new legislation. Options have been identified in the report with reasoning behind each for why a review is appropriate at this time for Wairoa District Council (WDC). Ms Street noted the feedback from conversations with Council staff was that freedom camping continues to pose as an issue for the district in regards to littering, large numbers of freedom campers, permitted areas to freedom camp and that the new legislation has changed the national requirement that all freedom campers must be self contained and this has therefore increased the requirements to become self-contained.

Cr Harker raised concerns in relation to the extra work for WDC staff in completing the significant review process. Cr Cairns noted the necessity of the report in being compliant with updated legislation, however, also raised concerns in relation to consultation fatigue on the community and asked what level of priority this work has in terms of whether it is necessary to review immediately or whether Council can put it on hold. The Compliance and Licensing Manager noted that the funding received to review the bylaw is conditional on completing the review.

The Chair noted WDC partnering with Rongomaiwahine Iwi Trust in the freedom camping space and highlighted the New World car park area where people are permitted to freedom camp noting that in the review work needs to be dedicated towards identifying prohibited and permitted freedom camping sites.

Elected members agreed to go out for consultation however, the question was raised around when this would occur and ensuring active participation and contribution from the community without being overwhelmed with other WDC consultation documents. The Chief Executive noted that a paper will be brought to the next Council meeting in May to confirm the consultation period to occur alongside the long-term plan for this bylaw review.

8.5 WAIROA RECOVERY UPDATE MARCH 2024**RESOLUTION 2024/18**

Moved: Cr Roslyn Thomas

Seconded: Cr Benita Cairns

The Tautoko Whakaora - Recovery Support RECOMMENDS that Council receive the report.

CARRIED

This item was brought forward due to the Recovery Support Officer only being available until 2pm. He spoke briefly to the report noting the below:

- Status of stickered homes and 93 placards removed.
- Finishing of Recovery Manager Benita Tahuri and thanked her for her efforts and support to whanau during this time.
- The success of the Cyclone Gabrielle one year anniversary events.
- Extension of MPI funding through to the end of March.
- QRS EPOD location now being assessed due to being in a flood zone.
- Going through a recovery plan reset that should be released soon.
- Working with Hawke's Bay Regional Council to extend the timetable for the debri fund due to close on 30 June as this will be used to assist with the costs associated with the rebuild where the existing building material will be removed from those damaged homes.

Cr Cairns asked what contributed to the change in numbers of placarded homes and what it means when a house has a green placard. The Group Manager – Planning and Regulatory noted that green placards have been implemented by Wairoa District Council and to move from white to green placards means all remediation works has been completed and all required documents have been made readily available to the Council. The Chief Executive clarified the use of the terms 'green placard' and 'placards removed' noting that one term is to be preferred for consistency across the board.

Cr Cairns also noted the need for reporting around red cross bundles and the distribution of these to whanau and homes. The Chair, Cr Eaglesome-Karekare supported this and asked the Recovery Manager Gary Borg when the second iteration of the recovery plan will be completed. He noted that he has received the plan and this has been reviewed by the senior leadership team and will be provided to elected members to provide feedback for inclusion of the plan into the long-term plan.

Cr Cairns noted a potential conflict of interest in relation to this item due to being a director of Hookmade.

Cr Thomas requested whether there was an opportunity in the recovery plan reset with a lot of properties in 2A that shouldn't be there and establishing a robust database to contact land category 2A people through the rating database to eliminate some of those houses in that zone.

The Chair noted that due to resourcing and staff time it would be more efficient to get a message out in the public for those who have not been impacted yet are affected by the land categorisation 2A to contact Council for support.

The Group Manager – Planning and Regulatory mentioned that there has been some instances where people have challenged their land categorisation to Hawke’s Bay Regional Council and have been successful. The Chief Executive noted that he is seeking further advice from planners on whether the land classification remains on property titles. Elected members agreed for the community to contact the WDC Planning department if they have issues relating to land classification categories.

8.2 DISTRICT LICENSING COMMITTEE APPOINTMENTS

RESOLUTION 2024/19

Moved: Cr Roslyn Thomas

Seconded: Cr Benita Cairns

The Kaiurungi Kaupapa Here me Mana Ārahi | Policy and Governance Officer RECOMMENDS that Council re-appoint Mr. David Fellows (Commissioner) and Mr Ross Pinkham (Member) for a fixed period of 1 year, starting 11 December 2023, and advertise for a Commissioner and Members of the District Licensing Committee to be in place by the 11th of December 2024.

CARRIED

The Compliance and Licensing Manager spoke briefly to the report noting Councils options in making appointments to the District Licensing Committee (DLC). The Chief Executive added to this mentioning that the current commissioners end date finished last December and this report is seeking Councils endorsement to reappoint Mr David Fellows as Commissioner and Mr Ross Pinkham as member while also going to the market to advertise for new DLC committee members to be implemented by December 11 this year.

The Compliance and Licensing Manager advised the committee that the DLC only meets if there is an opposed license to hear. He also noted that for DLC’s there is a minimum requirement of 3 members to have a hearing so part of this report is to secure extra members to call on when required.

Cr Harker recommended at least one member on the DLC have expertise in this area.

8.3 SUBMISSION TO DRAFT GOVERNMENT POLICY STATEMENT ON LAND TRANSPORT 2024

RESOLUTION 2024/20

Moved: Cr Jeremy Harker

Seconded: Cr Melissa Kaimoana

The Pouwhakarae - Hua Pumau | Group Manager Assets & Infrastructure RECOMMENDS that Council receive the report.

CARRIED

The Group Manager – Assets and Infrastructure spoke briefly to the report. He advised elected members what the draft GPS on land transport is about and that the WDC submission was previously provided to elected members to provide feedback. The submission specifically mentioned national roads of significance, the Nuhaka and Opoutama road to the Rocket Lab, different processes with cyclone recovery, the lack of mention of Hawke's Bay in the wider statement and clarifying the need for Wairoa to not fall off the map and ensure Wairoa's voice and issues are being heard.

The Chair, Cr Eaglesome-Karekare noted a recent meeting she had with the Prime Minister, the other Hawke's Bay Mayors and MP'S Simeon Brown and Mark Mitchell. From this it came clear to Cr Eaglesome-Karekare that the current government supports a regional approach.

Cr Harker noted that the submission could have encompassed more information around GDP from exports and why this investment in infrastructure is important to open the whole Hawke's Bay region for business and opportunities.

8.4 REVIEW OF DANGEROUS, INSANITARY AND AFFECTED BUILDINGS POLICY

RESOLUTION 2024/21

Moved: Cr Denise Eaglesome-Karekare

Seconded: Cr Roslyn Thomas

The Pouwhakarae - Whakamahere me te Waeture | Group Manager Planning and Regulatory RECOMMENDS that Council receives the report and approves that the Dangerous, Insanitary and Affected Building policy under review goes out for consultation in April 2024.

Addendum to this report is titled 'Draft WDC Dangerous, Insanitary and Affected Buildings Policy (Tracked Changes Version)'.

CARRIED

The Group Manager – Planning and Regulatory spoke to the report. She highlighted that the current Dangerous, Insanitary and Affected Buildings has to be reviewed every 5 years and this was last completed in 2019. She noted that the changes to the current policy are only minor editorial changes and is proposing to consult online for one month. She further noted that WDC currently only have 2 buildings listed on the register.

Cr Harker asked where the earthquake prone/strengthening legislation will impact and therefore be classified as 'dangerous building'.

The Group Manager – Planning and Regulatory noted the amendment to the act where all policies on this topic had to change to take out reference to earthquake strengthening buildings. Does the draft policy include ‘properties’ as well. The Group Manager – Planning and Regulatory advised that it only refers to buildings as it is encompassed under the Building Act 2004.

Cr Cairns noted consultation fatigue on the community and whether it is required to go out for consultation now or whether it can be part of the suite of consultation documents going out with the long-term plan. The Chief Executive noted that the policy will be consulted on alone and online and where the public may have specific questions WDC will be more than happy to assist.

9 RECEIPT OF MINUTES FROM COMMITTEES/ACTION SHEETS

9.1 RECEIPT OF COUNCIL MEETING - 15 MARCH 2023

RESOLUTION 2024/22

Moved: Cr Benita Cairns

Seconded: Cr Jeremy Harker

That the Minutes of the Council Meeting held on Wednesday 15 March 2023 be received and the recommendations therein be adopted.

CARRIED

10 PUBLIC EXCLUDED ITEMS

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION 2024/23

Moved: Cr Denise Eaglesome-Karekare

Seconded: Cr Melissa Kaimoana

That the public be excluded from the following parts of the proceedings of this meeting at 2:32pm.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution

10.1 - Wairoa District Council Commissioned Independent Review - Cyclone Gabrielle	<p>s7(2)(c)(ii) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
10.2 - Assessment of Hawke's Bay Three Waters aggregation plan for Wairoa District Council	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(c)(i) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied</p> <p>s7(2)(c)(ii) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>

	would be likely otherwise to damage the public interest s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	
CARRIED		

RESOLUTION 2024/24 Moved: Cr Denise Eaglesome-Karekare Seconded: Cr Jeremy Harker That Council moves out of Closed Council into Open Council at 3:22pm.	CARRIED
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The Meeting closed at 3:25pm with a closing karakia given by the Chief Executive, Kitea Tipuna.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 7 May 2024.

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CHAIRPERSON

8 GENERAL ITEMS

8.1 WASTE MINIMISATION AND MANAGEMENT PLAN DECISION

Author: Luke Knight, Kawhakaere Rawa me te Para Totoka | Property & Solid Waste Manager

Authoriser: Mike Hardie, Pouwhakarae - Hua Pumau | Group Manager Assets & Infrastructure

Appendices: Nil

1. PURPOSE

- 1.1 To seek council decision to Review council's waste management and minimisation plan.

RECOMMENDATION

The Kawhakaere Rawa me te Para Totoka | Property & Solid Waste Manager RECOMMENDS that Council endorse option A Review council's waste management and minimisation plan.

BACKGROUND

- 1.2 A territorial authority must review its waste management and minimisation plan (WMMP) at intervals of not more than six years after the last review.
- 1.3 Council's previous WMMP was adopted in 2018.
- 1.4 Council submitted an application for a Waste Management and Minimisation Plan (WMMP) review extension under section 33A of the Waste Minimisation Act 2008 (as amended by clause 12 of the Severe Weather Emergency Recovery (Waste Minimisation) Order 2023). This means that the decision to review is due by 29 July 2024.
- 1.5 In preparing, amending, or revoking a waste management and minimisation plan, a territorial authority must consider the following methods of waste management and minimisation: reduction, reuse, recycling, recovery, treatment, disposal and ensure that the collection, transport, and disposal of waste does not, or is not likely to, cause a nuisance.
- 1.6 Under the Waste Minimisation Act (WMA), council must provide three pieces of evidence to meet compliance for the review. These are a waste assessment, Medical Officer of Health feedback and Council decision to proceed with a new WMMP.
- 1.7 Assets and Infrastructure staff have completed the waste assessment, a draft WMMP and sought feedback from the Medical Officer of Health.
- 1.8 In line with the WMA, this report is to attain council's formal decision to review the WMMP.

2. OPTIONS

- 2.1 The options identified are:

- a. Review council's waste management and minimisation plan and allows council to update the plan in line with industry and other legislative changes.
 - b. Retain existing WMMP.
- 2.2 Review of the WMMP ensures compliance with the Waste Management Act.
- 2.3 The preferred option is option a. Review council's waste management and minimisation plan., this contributes to the following community outcomes.

Cultural wellbeing	Economic wellbeing	Social Wellbeing	Environmental Wellbeing
Valued and cherished community.	Strong and prosperous economy.	Safe, supported and well-led community.	Protected and healthy environment

3. CORPORATE CONSIDERATIONS

What is the change?

- 3.1 Revised WMMP.

Compliance with legislation and Council Policy

- 3.2 Compliance with Section 50 Waste Minimisation Act 2008.

What are the key benefits?

- 3.3 Updated WMMP in line with industry and other legislative changes.

What is the cost?

- 3.4 Costs of undertaking waste assessment and revision of WMMP accounted for in existing operating budgets.

What is the saving?

- 3.5 N/A

Service delivery review

- 3.6 N/A

Maori Standing Committee

- 3.7 This has not been referred to the committee at this stage.

4. RISK MANAGEMENT

- 4.1 In accordance with the Council's Risk Management Policy the inherent risks associated with this matter are:

Human	Financial	Regulatory
Low	High	High
Operations	Employees	Image & Reputation

Medium	Low	Medium
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Who has been consulted?

No consultation undertaken at this stage.

Further Information

<https://www.legislation.govt.nz/act/public/2008/0089/latest/DLM1235825.html>

References (to or from other Committees)

N/A

Confirmation of statutory compliance

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 benefits and costs, 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.

8.2 WAIROA RECOVERY UPDATE MAY 2024

Author: Steve Baker, Tautoko Whakaora - Recovery Support

Authoriser: Gary Borg, Pouwhakarae - Putea Tautawhi Rangapu | Group Manager Finance and Corporate Support

Appendices: Nil

1. PURPOSE

- 1.1 To update Council on the progress of the Cyclone Gabrielle recovery program to 30th April 2024.

RECOMMENDATION

The Tautoko Whakaora - Recovery Support RECOMMENDS that Council receive the report.

2. BACKGROUND

- 2.1 At 0515 Hrs Tuesday 14 February 2023, Hawke's Bay region declared a State of Local Emergency due to the flooding effect of Cyclone Gabrielle. At 0843 Hrs, the Minister for Emergency Management declared a State of National Emergency to assist in the response. The declaration applied to Northland, Auckland, Tairāwhiti, Bay of Plenty, Tararua District, Waikato, and Hawke's Bay.
- 2.2 Cyclone Gabrielle resulted in extensive flooding across the north and east of the North Island. Major flooding occurred in the Wairoa District as the Wairoa River and numerous tributaries overtopped their banks, causing flooding into residential areas, and cut off rural communities. There was extensive surface water flooding across the district in all catchments.



- 2.3 The impact of Cyclone Gabrielle to whānau, where, whenua, and our pātaka has been destructive and devastating. The consequences are felt by everyone and every

community in our rohe. No one is unaffected. We expect, based on other New Zealand flood events, that the social and economic consequences will worsen in the upcoming months and years.

- 2.4 The key area of impact in the Wairoa District was in the north of Wairoa with the river breaching its banks on the north-western side of the town and flooding the rural areas of Waihirere and Ruataniwha, and urban area of North Clyde. There were however floods in Awamate - on the other side of the river, Frasertown, Whakakī, Nuhaka and Mahia, where damage to homes was more limited.
- 2.5 There was also significant damage to the landscape, rural properties, and the primary sector, including horticulture, cropping, dairy, sheep and beef, and forestry. Many farms have limited access to and within their properties due to farm tracks being cut off or washed out. Water damage, erosion and silt deposition have damaged fences, access tracks, water infrastructure, destroyed crops (particularly maize and squash) and silage/hay loss and caused damage to ancillary farm buildings and dairy sheds. There has been significant pasture loss.

KEY MESSAGES – 30th April 2024

- 2.6 At a February 2024 meeting the Committee requested the Recovery Team provide the following information.

Action Point	Comment
Houses impacted. a) By Cyclone Gabrielle b) By other weather events	The Insurance Council of NZ has advised us that there have been 217 lodged for residential properties within the Wairoa region. It does not tell us whether the claim is for Cyclone Gabrielle or a later weather event
Houses insured. a) in Cyclone Gabrielle b) in other weather events	
Houses not insured. a) in Cyclone Gabrielle b) in other weather events	
Safety Declaration: Houses declared safe to live in for each category,	The Rapid Building Assessment (RBA) system does not have the configuration required to provide this information.

- 2.7 Information obtained from our Kaimanaaki by visiting impacted properties, and discussions with other agencies operating in this space is that there are.

Non-insured houses rebuild listed by lead Agency managing rebuild.	Number
Church of Latter-Day Saints	5
TTotW	18
Hookmade - on behalf of the church of St	5

Vincent de Paul	
Remaining - Recovery Team	41
Total	69

Status of Stickered homes

Category	Peak March 2023	Rain Event 23 Nov 2023	As at 30 April 2024	Movement from March Update
Green			109	16
White	198		155	(7)
Yellow	146	16	91	(9)
Red	2	2	3	-

Explanation of the different Placard types can be found at:

<https://www.building.govt.nz/assets/Uploads/managing-buildings/post-emergency-building-assessment/rapid-building-assessment-placards-and-forms-quick-guide.pdf>

- 2.8 One year anniversary – the 14th of February 2024 marked the one-year anniversary of Cyclone Gabrielle. It also provided an essential step in the healing process. Whānau were given an opportunity to reflect, grieve, but also to support one another, reaffirm bonds with one another.

The event cost \$57,000 to put on, Wairoa Taiwhenua funded \$44,782 of this while Recovery funded \$12,728.

Recovery received funding of \$10,000 for its share of costs from MSD. The balance of \$2,728 was funded out of the Community Hui and Communication grant received from DIA. As such, there was no cost to Council.

- 2.9 MPI – With an original delivery cut-off of 31 December 2023 the recovery team attained an extension of delivery to 31 March 2024 from NIWE and MPI. It has been a dynamic process with deliverables changing after considering community feedback. There has also been the need to try and fund greater levels of historical response expenditure that were unable to be funded through other avenues. This has led to recovery staff working with MPI to obtain the funding variation between the Isolated Communities and Community Hub grants. The pressure is most definitely on in the next couple of months to get these projects and funding over the line.

What we aim to deliver:











- Seven Community Hubs - EPOD's containing a range of essential equipment to assist communities in future weather events.
- Two Mobile EPOD's that can be deployed to an area in need during or prior to an event. These will be located at QRS Wairoa.
















- First aid training for 100+ Whānau
- Water tank
- Reimbursement of approximately \$102,000⁺ of welfare expenditure incurred not reimbursed by NEWA.
- Reimbursement for Recovery Plan Reset approximately \$30,000











2.10 Recovery Plan reset – A draft updated recovery plan is being reviewed by the recovery team. It represents a stocktake of where we are now and what needs to be done moving forward. The costs associated with the Recovery Plan reset will be sought to be funded under the MPI Isolated Communities funding rather than the DIA fund for 2023/24 where there is insufficient budget to accommodate this cost. This document is crucial in the process to secure funding from the DIA to support Recovery activity through 2024/25.













2.11 The Recovery Plan consists of several, independent or at times interlinked, work-packages many of which are underway concurrently. Section 3 of this report provides a high-level 'Dashboard' overview of each of these work-packages to the 30th April 2024 as well as a forecast out to June 2024. There is also a narrative for each highlighting milestones to date, as well as an explanation of where we are heading in the future. It is hoped that elected members will be able to use this report as a resource when talking to members of the community.





















3. DASHBOARD











Work-Package	Lead	Work-Package Status				
		Scope	Resources	Schedule	Cost	Confidence
The EOC (emergency Operations Centre).	Local Controller					
		To 30 Apr 2024	Forecast 30 June 2024			
	Expense	\$247,000	-			
	External Funding	Council Funded	-			
	Milestones to 24 March 2024					
	Some \$247,000 in costs remain with Council. Of this \$61,000 was to external suppliers with the remaining \$186,000 being staff wages and salaries.					
NEMA – Welfare	Local Controller					
		To 30 Apr 2024	Forecast 30 June 2024			
	Expense	\$480,000	-			
	External Funding	\$477,000	\$1,500			
	Milestones to 30 June 2024					
	Staff are continuing to try and see if some of the cost incurred can be recharged.					

Work-Package	Lead		Work-Package Status				
			Scope	Resources	Schedule	Cost	Confidence
			<p>Milestones to 30 April 2024</p> <ul style="list-style-type: none"> \$477,000 in funding has been received from NEMA and other agencies such as NZ Police FENS etc against expenditure of \$480,000. <p>Milestones to 30 June 2024</p> <ul style="list-style-type: none"> Three or four small invoices to be charged to NEWA. This final claim will be submitted by the 7th of May 2024. 				
Recovery office	Wairoa Manager	Recovery					
			To 30 Apr 2024		Forecast 30 June 2024		
			Expense	\$18,000	-		
			External Funding	-	-		
			<p>Milestones to 30 April 2024</p> <p>The Recovery Office is not externally funded. Where possible costs have been reassigned to externally funded work packages such as the Recovery Hub and the DIA funding for works identified by the recovery Manager to successfully engage with the impacted communities.</p> <p>Council has funded \$18,000 for the recovery office.</p>				
Recovery Hub	Wairoa Manager	Recovery					
			To 30 Apr 2024		Forecast 30 June 2024		
			Expense	\$166,000	17,000		
			External Funding	\$250,000	-		
			<p>Milestones to 30 April 2024</p> <p>Funding has been obtained from DIA for \$250,000. This is used to fund Recovery staff employed by Council. Prior to receiving this funding, The Recovery Manager salary sits under the DIA funding it covers any salary since the appointment and is also forecast in the Recovery Office budgets.</p> <p>One admin role has been confirmed and one supporting role has been provided by TToTW. Recovery has been invoiced 19,000 for this role.</p> <p>Milestones to 30 June 2024</p> <p>Forecast spend in this work package indicates no funding from Council required through to 30 June 2024. The forecast underspend in this budget of \$66,000 will offset the forecast overspend in the Community Communication, Engagement and Hui budget below.</p> <p>We have approached DIA to outline the need for further funding in 2024/25. It is envisaged that the resourcing of the recovery office will be scaled back by this time.</p>				
Community Communication, Engagement and Hui	Wairoa Manager	Recovery					
			To 30 Apr 2024		Forecast 30 June 2024		
			Expense	440,000	82,000		
			External Funding	450,000	-		
			Milestones to 30 April 2024				

Work-Package	Lead	Work-Package Status				
		Scope	Resources	Schedule	Cost	Confidence
		<p>Funding received from DIA \$450,000 so programme can be resourced. Recovery Manager meets regularly with Mary Wilson from DIA to ensure that all funding used from this fund is allocated as per the requirements of DIA.</p> <p>Milestones to 30 June 2024</p> <p>Forecast spend in this work package indicates an overspend of \$72,000 in budget by June 2024 but this is offset in the savings in the recovery hub above along with the proposal to transfer Recovery Reset Plan costs to the MPI Isolated Community fund.</p> <p>We have approached DIA to outline the need for further funding in 2024/25. It is envisaged that the resourcing of the recovery office will be scaled back by this time.</p>				
Mayors Fund	Wairoa Manager	Recovery				
						
			To 30 Apr 2024	Forecast 30 June 2024		
		Expense	\$1.07m	Unknown		
		External Funding	\$1.93m	Unknown		
		<p>Milestones to 30 April 2024</p> <p>Some \$1.07m has been distributed to date with a further \$0.86m on hand to distribute. Small donations continue to come in spasmodically.</p> <p>Milestones to 30 June 2024</p> <p>The panel has requested \$500,000 be ring fenced to help meet the anticipated shortfall of the Red Cross Fund to complete basic rebuild costs.</p>				
Red Cross-Liveable Homes	Wairoa Manager	Recovery				
						
			To 30 Apr 2024	Forecast 30 June 2024		
		Expense	\$0.4m	Unknown		
		External Funding	\$1.1m	-		
		<p>Milestones to 30 April 2024</p> <p>There are still unknowns, and now we have people in the team who are trying to fill in the gaps as quickly as we can. We are working across the community agencies to help us do this.</p> <p>There are also a number who are underinsured, and others who are uninsured due to the cost of</p>				

Work-Package	Lead	Work-Package Status				
		Scope	Resources	Schedule	Cost	Confidence
		<p>insurance.</p> <p>To add to the complexity there are a few different players operating in this space.</p> <p>Milestones to 30 June 2024</p> <p>We continue to work to close the information gaps and return our whānau to their whare. Repair work is ramping up in this area.</p>				
MPI – Isolated Communities	Wairoa Manager	Recovery				
			To 30 Apr 2024	Forecast 30 June 2024		
		Expense	\$263,000	\$30,000		
		External Funding	\$250,000	-		
		<p>Milestones to 30 April 2024</p> <p>An extension to March 2024 has been obtained. To date some \$102,000 of unclaimable expenditure under the NEMA – Welfare fund has been applied for under this work package. We expect this to increase to cover the Recovery Reset Plan.</p> <p>Two transportable EPOD's have been procured and will be stored at in Wairoa.</p> <p>A variation to contract has been attained. The Assistance of MPI staff in this space has been outstanding.</p> <p>March Milestone report submitted along with invoices to uplift the final \$25,000 in funding before the 31 March 2024 cut-off.</p> <p>Milestones to 30 June 2024</p> <p>Delivery of transportable EPOD's to Wairoa May June 2024. Based on actual expenditure the variation provides for expenditure to be transferred between the two NIWE funds based on objectives.</p>				
MPI - Community Hub Resilience	Wairoa Manager	Recovery				
			To 30 Apr 2024	Forecast 30 June 2024		
		Expense	-	\$760,000+/-		
		External Funding	\$800,000	-		
		<p>Milestones to 30 April 2024</p> <p>One community has secured its own funding this impacts funding from DIA as the grant is limited to 100,000 per hub.</p> <p>As there are now only 7 Community Hubs to be funded Recovery has worked with MPI representatives to attain a funding variation between the two MPI grants.</p> <p>March Milestone report submitted along with invoices to uplift the final \$40,000 in funding before the 31 March 2024 cut-off.</p> <p>Milestones to 30 June 2024</p> <p>Delivery of EPOD's, first aid training, and water tank.</p> <p>Based on actual expenditure the variation provides for expenditure to be transferred between the two NIWE funds based on objectives.</p>				
Temporary	WDC Building Control, Enabled					

Work-Package	Lead	Work-Package Status				
		Scope	Resources	Schedule	Cost	Confidence
Accommodation Solutions (TAS) MBIE	Wairoa, TToTW					
		To 30 Apr 2024	Forecast 30 June 2024			
	Expense	\$175,000	-			
	External Funding	\$173,000	\$2,000			
	Milestones to 30 April 2024					
	TAS placement of units has slowed down considerably as demand has decreased. TToTW POD placements have remained steady and is progressing well.					
Land Categorisation	Mayor & CE					
	Milestones to 30 June 2024 and beyond					
	Land Classification project is linked to the outcome of the flood protection project.					
Flood Mitigation	Mayor & CE					
	Milestones to 30 April 2024					
	Treasury has confirmed that \$70m has been ring-fenced for Wairoa flood mitigation.					
	Options have been presented in Wairoa.					
	Regional Recovery Agency (RRA) has proposed an Order in Council to streamline consenting processes to accelerate the programme. RRA is funding shared legal representation.					
	Milestones to 30 June 2024 and beyond					
NEMA - Solid Waste Management Fund	WDC GM Assets & Infrastructure					
		To 30 Apr 2024	Forecast 30 June 2024			
	Expense	\$1.37m	-			
	External Funding	\$1.48m	-			
	Milestones to 30 April 2024					
	Councils Claims have been accepted. This work package is now closed. The difference between Income and expenditure of \$109,000 represents ratepayer funding percentage of the Landfill Activity not covered by fees and charges (Refer Councils RFP) and applied to this work-package. NEMA has agreed to reimburse that amount.					
HBRC - Extreme Weather Event	WDC GM Assets & Infrastructure					
		To 30 Apr	Forecast 30 June 2024			

Work-Package	Lead	Work-Package Status				
		Scope	Resources	Schedule	Cost	Confidence
Recovery Activity (Silt)		2024				
	Expense	\$5m	Unknown			
	External Funding	\$7m	Unknown			
	Milestones to 30 April 2024					
	A total of \$9.4M has been secured and is ringfenced for this work. \$7m has been paid and we have good reporting lines and tracking data for silt. High confidence that \$9.4M will be fully utilised. No overruns envisaged at this stage however potential asbestos issues and associated costs remain a risk to budget.					
	Silt cleared from storage areas such as the Railway yard.					
	Milestones to 30 June 2024					
	Debris from stripping houses expected to increase over coming months. Potential asbestos issues and associated costs remain a risk to budget.					
	Recovery is working with HBRC to see if the deadline for this fund could be extended beyond June 2024. Significant risk remains that we will be unable to utilise this fund for removing building materials including asbestos from the residential rebuild programme before this fund, even if it is extended, closes.					
	On Sunday 11 th of February, the Government announced a further package of \$63million for removal of silt and debris from areas affected by Cyclone Gabrielle with \$3m ringfenced for Wairoa. These funds have been gone to HBRC for work to be undertaken in the Wairoa area.					
Infrastructure – Roading	WDC GM Assets & Infrastructure					
		To 30 Apr 2024	Forecast 30 June 2024			
	Expense	\$39.6m	Unknown			
	External Funding	\$39.0m	Unknown			
	Milestones to 30 April 2024					
	The initial \$16m response funding has been used well to get access back in most locations, and also to help with cashflow, a cost-scope adjustment request has been made and Council were successful in securing \$31m extra at 100% FAR. Funding for final reinstatement is being discussed with Waka Kotahi, likely to require Council share. Crown funding allocated for Te Reinga Bridge repair \$14m. if the cost of repair exceeds \$14m then the difference will be at Councils expense. Continual rain events are hampering progress. Expenditure of the \$31m extra funding currently sits at \$23m.					
	Milestones to 30 June 2024					
	There is a drive to get this work complete before the end of June 2024, as the way forward beyond this date is uncertain.					
Infrastructure – 3 waters	WDC GM Assets & Infrastructure					
		To 30 Apr 2024	Forecast 30 June 2024			
	Expense	\$1.04m	Depends on Pond Survey			
	External Funding	\$0.5m	Subject to insurance approval			
	Milestones to 30 April 2024					
	NEMA have finalised the threshold for Wairoa District Council \$324,995 for 60/40 government funding					

Work-Package	Lead	Work-Package Status				
		Scope	Resources	Schedule	Cost	Confidence
		<p>threshold, based on WDC confirmation of the capital value of the rating units at \$4,333,259,830.</p> <p>Damage has been incurred on both above ground assets, which are insured through AON, and below ground assets which are insured through LAPP.</p> <p>AON has made an initial payment of \$500,000. Final claims for LAPP and AON are being worked through with loss adjustors.</p> <p>The main action point from the December quarterly Report to NEMA was in relation to the progress on the Wairoa wastewater pond desludging as that is likely to determine the size of WDC's 60/40 claim.</p> <p>Milestones to 30 June 2024</p> <p>Parklink have been engaged to carry out sludge surveys on the Wairoa and Māhia ponds to determine quantum of silt ingress.</p>				

Key

	Green	Amber	Red
Scope	Current approved in-scope items can be delivered in full	Minor changes to core specification of quality of capability that will be delivered	Major changes to core specification of quality or capability that will be delivered
Costs	Variance between Total Approved Spend and Total Forecast Spend for the approved phase/s within +/- 5% of approved spend up to a value of \$50k	Variance between Total Approved Spend and Total Forecast Spend for the approved phase/s within +/- 10% of approved spend up to a value of \$100k	Variance between Total Approved Spend and Total Forecast Spend for the approved phase/s is greater than +/- 10% of approved spend or greater in value of \$100k
Schedule	Major milestones remain on track to meet the approved timelines	Major milestones are at risk however mitigating activities are in place in an effort to meet the approved dates	There is certainty that Major milestones have missed or will miss the approved dates
Resourcing	Workpackage resourced adequately and project team is performing to a high standard	Workpackage resourcing will cause a slip to schedule or cost or variance in scope if not	Workpackage resourcing is causing variance to schedule, cost or scope
Confidence	The overall confidence that the workpackage will deliver on its aims and objectives within scope, on cost, and on schedule	There are concerns that the workpackage may not deliver on its aims and objectives within scope, on cost, and on schedule. There are mitigation strategies in place to bring the workpackage back to "green"	There are significant issues in one or more of areas of scope, cost, or scheduling. The Workpackage is unlikely to achieve its objectives. There are mitigation strategies in place will not bring the workpackage back to "green"

8.3 FAST -TRACK APPROVALS BILL SUBMISSION

Author: Hinetaakoha Viriaere, Pouwhakarae - Whakamahere me te Waeture | Group Manager Planning and Regulatory

Authoriser: Kitea Tipuna, Tumu Whakarae Chief Executive

Appendices: 1. Fast- Track Approvals Bill Submission [↓](#)

PURPOSE

- 1.1 This report provides information for Council on the Wairoa District Council Submission to the Environment Select Committee.

RECOMMENDATION

The Pouwhakarae - Whakamahere me te Waeture | Group Manager Planning and Regulatory RECOMMENDS that Council Council receive the report. See Wairoa District Council Submission on the Fast -Track Approvals Bill as attached.

2. BACKGROUND

2.1 The Fast-track Approvals Bill is an omnibus bill. The bill proposes to enable a fast-track decision-making process for infrastructure and development projects that are considered to have significant regional or national benefits. The bill proposes to establish a separate process for several approvals under different legislation including:

- Resource consents, notices of requirement, and certificates of compliance (Resource Management Act 1991)
- Concessions (Conservation Act 1987)
- Authority to do anything otherwise prohibited under the Wildlife Act 1953
- Archaeological authority (Heritage New Zealand Pouhere Taonga Act 2014)
- marine consents (Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012)
- Land access (Crown Minerals Act 1991)
- Aquaculture activity approvals (Fisheries Act 1996).

2.2 To access the fast-track approvals process, project owners would need to apply to the joint Ministers. A project would then be referred to an expert panel to assess the project and make a recommendation to the joint Ministers, who would then determine whether the approvals should be granted or declined.

2.3 The Wairoa District Councils submission to the Fast-track Approvals Bill was submitted on the due date of April 19th, 2024.

2.4 The submission supports Councils mission to lead and support the Wairoa community through decision-making that promotes the social, economic, environmental, and cultural well-being of the district now and into the future. Additionally, the submission supports Councils vision including a thriving economy, treasure environments and connected communities. Furthermore, the submission is in accordance with our community outcomes including a valued and cherished community, strong and prosperous economy, a protected and healthy environment and a safe, supported and well-led community.

Further Information

https://www.parliament.nz/en/pb/sc/make-a-submission/document/54SCENV_SCF_083F0A7B-F182-41D5-0897-08DC3E31559C/fast-track-approvals-bill

Confirmation of statutory compliance

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 benefits and costs, 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.



WAIROA DISTRICT COUNCIL

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19 April 2024
Committee Secretariat
Environment Committee
Parliament Buildings
Wellington

via email to: en@parliament.govt.nz

WAIROA DISTRICT COUNCIL SUBMISSION TO ENVIRONMENT SELECT COMMITTEE FAST TRACK APPROVALS BILL

1. INTRODUCTION

Thank you for the opportunity to submit on the Fast-Track Approvals (FTA) Bill. Wairoa District Council (WDC) thanks the Environmental Select Committee for the opportunity to make a submission on the Fast Track Approvals Bill.

WDC is supportive of the FTA Bill in helping toward our district's recovery from Cyclone Gabrielle (and other severe weather events that followed) which requires joint Crown and Local Government investment on key infrastructure rebuilds and economic development. Importantly, future planning and funding decisions need to provide for flood protection and resilient, roading, stormwater, potable water, solid waste management and housing and development projects. The traditional consenting pathway for these projects can be costly and time consuming. However, fast tracking approvals must not be at a cost to Te Tiriti, Te ao Māori, Te Taiao and the erosion of cultural and environmental values and taonga. Therefore, this submission outlines some key issues of concern and amendments sought to the FTA Bill as outlined below.

2. KEY ISSUES OF CONCERN

2.1 INFRASTRUCTURE & DEVELOPMENT PROJECTS

The interpretation of what determines 'projects with significant regional or national benefits' is unclear under the FTA Bill. Ministers will determine what projects are of regional or national significant by considering eligibility criteria and other matters under clause 17(2) -(3) of the FTA Bill.

Furthermore, it is unclear of what scale of projects may be eligible for consenting under the Section 17.3 of the Fast-Tracking Bill. Wairoa is a small Local Authority and is unsure if projects significant to our district's recovery and growth would be considered regionally significant. While reference is made to what Ministers may consider in Section 17.3, it is unclear if both 17.3a and 17.3b must be met before projects can advance under Fast-Tracking.

For projects with significant regional benefits, the potential scale and location of papakāinga development on Māori land may not meet the eligibility criteria [clause s17(3)(c)], to increase the

supply of housing and to address affordable housing needs. It is likely papakāinga housing, or integrated Māori development on Māori land projects that benefit Māori communities are projects of significant local benefit. Where Māori economic and social wellbeing outcomes are referred to in Regional or District planning documents, then these would be of a significant regional benefit.

The eligibility criteria for referral (“significant regional or national benefits”) are discretionary, open to Ministerial interpretation and too broad. The Bill should be more focused than this.

Amendment Sought: Clarity is given about the scale of a project that may be considered for Fast-tracking. Address clause 17 eligibility criteria to include categories for projects including Infrastructure, Housing, and Primary and extraction industries, which will require different eligibility criteria for each category which could include significant local benefit. Furthermore, extend interpretation of what determines ‘projects with significant regional or national benefits’ to ensure the eligibility of projects for fast-track approval include the scale of impact of a project on the local community the project will affect, rather than limited to consideration of regional scale.

2.2 NATURAL HAZARDS, CLIMATE CHANGE & ENVIRONMENTAL PROTECTION

WDC supports the inclusion of Section 17.3h ‘*will support adaptation, resilience, and recovery from natural hazards*’ to support recovery efforts from Cyclone Gabrielle and future weather events including the provision for adaptation and resilience.

However, full and adequate consideration of FTA Bill applications is vital with the additional environmental challenges presented by climate change. Continued sustainable management of resources in this changing and dynamic environment, to support a strong economy in the medium to long term, requires robust environmentally sustainable baselines to support the assessment of FTA proposals.

There is no recognition or protection of significant biodiversity or taonga species in the Bill. There is also a significant risk that many projects will be exposed to the impacts of climate change and natural hazards if environmental assessments are not undertaken in an appropriate manner.

Ensuring resource users are operating within sustainable limits is vital for both our international reputation and industries, as a country that upholds environmental sustainability.

2.3 INELIGIBILITY CRITERIA (CLAUSE 18)

In general, under the FTA Bill only projects on areas with a high conservation status under conservation legislation, projects that are on Māori land or land that is the subject of a Treaty settlement or an administering agent or projects in an area of a recognised Takutai Moana rights are ineligible for the FTA process.

The eligibility criteria – the first fundamental opportunity to prevent inappropriate projects progressing under the FTA Bill – are inadequate. In practice:

- (a) There are Hapū and Iwi yet to settle their Treaty claims and many applicants under the Takutai Moana legislation are still waiting to have their rights recognised, including iwi and hapū of Te Rohe o Te Wairoa.

- (b) Significant tracts of Māori land have no administering agent.
- (c) Only limited conservation land has been the subject of extensive assessment to ensure all high-value land is protected with high conservation status.

Amendment Sought:

- Projects in cyclone affected areas including within the Wairoa District would benefit from being eligible for Fast Track and being prioritised to go through the process first, to support local economic development in recovery regions.
- Agreement in writing is required for an activity to proceed on all Māori land as defined in Te Ture Whenua Māori Act 1993.
- Activities categorised as prohibited activities under the RMA are included in the FTA Bill's ineligibility criteria.

2.4 TE TIRITI

No Te Tiriti clause within the FTA Bill, disempowers one of the core functions for Māori, which is to be a kaitiaki, with the FTA Bill doing the complete opposite for safeguarding te Taiao for future generations. 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. The Crown has an obligation to make decisions in a way that is consistent with Aotearoa's founding document, Te Tiriti o Waitangi and upholding its principles throughout the FTA process is crucial. This means recognising Māori rights and interests in land, water, and natural resources, as well as ensuring fair participation in decision-making processes.

Amendment Sought: WDC seeks an amendment to insert a Treaty of Waitangi clause with the following wording: *In achieving the purpose of this Act, all persons performing functions and exercising powers under it must act in a manner that is consistent with—(a) the principles of the Treaty of Waitangi; and (b) Treaty settlements.*

WDC supports the Te Tiriti o Waitangi settlements and recognised customary rights clause under clause 6 of the FTA Bill. However, the Bill provides limited acknowledgement of iwi and hapū who are yet to settle Treaty of Waitangi grievances. The use of the term ‘existing’ Treaty settlements in section 6 means any iwi and hapū who have not at least entered a deed of settlement are barred from their future settlement arrangements being captured by clause 6. Neither does the section 17 ineligibility criteria protect land under consideration for return through settlement. While recognised negotiation mandates, or current negotiations for, Treaty settlements are 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.

Amendment Sought: Wairoa District Council support the 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 iwi and hapū yet to settle Tiriti o Waitangi grievances.

2.5 EXISTING SAFEGUARDS

Legislative provisions and policy from existing legislation (such as sections 6(e), 7(a) and 8 of the RMA, section 4 of the Conservation 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. It is 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: WDC 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. Furthermore, WDC recommends Clause 3 Purpose of the FTA Bill include reference to “*sustainable management*”, not just development, as a qualifier to the purpose of enabling development, together with matters under the RMA (national direction), to have equal weighting.

2.6 PANEL EXPERTS

The Bill effectively reduces the function and role of Expert Panels to an advisory role under Schedule 3 of the Bill. There are no decision-making powers for panels or the ability to reject projects that are referred. Only the ability to make recommendations and conditions are provided to the panels, which can be disregarded by Ministers.

Amendment Sought: WDC recommend the role be reviewed, including alignment with functions of Hearing Panels under the RMA. Additionally, WDC recommends each panel has a member appointed from iwi and/or hapū groups and that panels must consider relevant planning documents, including iwi and hapū management plans, and redact the ‘advisory role’ panels are being subjected to, under the FTA Bill.

2.7 TRANSPARENCY AND ACCOUNTABILITY

Transparency and accountability in decision-making processes is vital. This involves public disclosure of project information and documentation regarding decision-making rationale.

2.8 CULTURAL IMPACT ASSESSMENT

Including comprehensive assessments of cultural impacts as part of the pre-application and Fast track approval process is crucial. These assessments should consider the potential effects of projects on Māori cultural sites and values, with input from relevant iwi and hapū cultural experts.

Amendment Sought: To ensure that iwi and hapū rights and interests are provided for through the FTA applications, WDC is seeking the inclusion of cultural impact assessments in the information requirements of the application (whether for a listed or referred project).

2.9 CAPACITY BUILDING & TRAINING

Providing support for hapū and iwi to effectively participate in the approval process is important. This could involve funding for cultural competency training, legal assistance, and technical expertise.

Amendment Sought: WDC support that Applicants resource iwi and hapū participation/engagement to ensure cost recovery of iwi and hapū skills, expertise and mātauranga Māori.

2.10 NATIONAL POLICY STATEMENTS

WDC seeks clarity on Section 25 and ability of Ministers to override the following National Policy Statements:

- National Policy Statement on Indigenous Biodiversity NPS-IB
- National Policy Statement on Freshwater Management NPS-FM
- National Policy Statement on Highly Productive Soil NPS-HPL

This issue requires clarity to avoid differential treatment of agreed National Policy Statements through the Fast-track consenting process versus normal RMA processing routes.

Amendment Sought: Clarity provided in Section 25 on the ability for Ministers to override National Policy Statements.

3. CONCLUSION

Responsible fast track approval processes are required that can support infrastructure, growth and development for the Wairoa District post cyclone Gabrielle and other severe weather events, however this must not be at the detriment to Te Tiriti, te ao Māori and te Taiao, our people, communities and future generations.

Overall, Wairoa District Council thank the Select Committee for the opportunity to submit on the Bill, and Wairoa District Council request to be heard.

9 RECEIPT OF MINUTES FROM COMMITTEES/ACTION SHEETS

Nil

10 PUBLIC EXCLUDED ITEMS**RESOLUTION TO EXCLUDE THE PUBLIC****RECOMMENDATION**

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
10.1 - WAIROA WATER QUALITY LABORATORY - SERVICE DELIVERY OPTIONS	s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
10.2 - Mahia Recycling Centre Delivery	s7(2)(f)(ii) - the withholding of the information is necessary to maintain the effective conduct of public affairs through the protection of Council members, officers, employees, and persons from improper pressure or harassment	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
10.3 - Winters Building Update	s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7