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Te Kaitiaki a Hurihi



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MANA AHURIRI
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MAUNGAHARURU
TANGITŪ



Tamatea Pōkai Whenua

19 April 2024

Environment Committee
Parliament Buildings
Wellington

via email to: en@parliament.govt.nz

Submission on Fast-track Approvals Bill 2024

1. Introduction

2. This submission is from Clifton to Tangoio Coastal Hazards Strategy Joint Committee ('Joint Committee'), formed by members appointed by the Hawke's Bay Regional Council, Tamatea Pokai Whenua, Hastings District Council, Mana Ahuriri Trust, Napier City Council and Maungaharuru-Tangitū Trust. Refer to Appendix 1 for more about the Joint Committee.

3. We do wish to appear before the Committee to speak to our submission.

4. Our work

5. The Joint Committee is formally constituted under the Local Government Act 2002. Our task is to develop a long-term adaptive plan for coastal hazards for the stretch of coastline between Tangoio in the north, and Clifton in the south.

6. The Joint Committee has extensive experience working with existing communities who are exposed to natural hazards risks. We know firsthand how challenging and complex these problems are. As an indication of these complexities, just some of the questions we have attempted to find answers to include:

- What is tolerable risk and how do we define that?
- How does risk tolerance change over time and how do we track that?
- Whose risk tolerance do we take into account or prioritise?
- How do we balance risk mitigation, affordability, and environmental considerations?
- What happens to people, communities and the environment if we do nothing about the increasing risks from natural hazards?
- What happens to our natural environment if we start changing it to increase resilience?
- How do we fairly apportion the costs for risk mitigation projects?
- Through taking action to increase resilience, how do we avoid creating perverse incentives for increased investment and development in at risk locations?
- How do we plan for, fund and implement retreat at a community scale?

7. What does our work mean in the context of the Bill proposing a new system for fast-tracking approvals?

8. There are three key themes to our submission:

- a. decision-making on fast-track approvals that undermine our coastal hazard planning
- b. projects being granted fast-track approvals that undermine our coastal hazard planning
- c. the Bill as an opportunity for our projects and programmes of work to be approved swiftly.

Fast-track approval decision-making failing to consider local natural hazard strategies and works

9. The challenges we are grappling with as a Joint Committee have been created by past decisions to approve and/or enable development in locations that are now exposed to high risks from natural hazards. Without proper safeguards, the Bill could compound those challenges whereby approvals are granted for national and regionally significant projects, but have local impacts and consequences now and into the future.
10. Over the past twelve months or so in Hawke's Bay, we have acutely experienced the consequences of past decisions. By way of an example, following Cyclone Gabrielle, the Future of Severely Affected Land (FOSAL) risk categorisation framework will mean that costs from those past decisions to approve development will be borne by ratepayers and taxpayers.
11. While past decisions were not made with the benefit of the hazards information available to us today, we are concerned that decisions, (including those to be made under fast-track approval legislation) will continue to be made that will perpetuate this problem for future generations. We are concerned that the Bill's relatively 'lightweight' requirements for decision-makers to actively consider natural hazard risks will compound those problems – not only now, but also for the foreseeable future. It is imperative that considerations of climate change impacts and natural hazards risks are strengthened before the Bill is passed.
12. We take the view that as a region, and country, we cannot continue to make decisions that will place people, homes, businesses and infrastructure in areas where the risks from natural hazards are, or are likely to be, significant in the short, medium or longer term. This is particularly crucial for those projects that are supposedly being advanced for fast-tracked approvals on the basis that they have significant regional and national benefits.
13. We submit that the Bill needs to be amended to ensure decisions are made with an increased awareness of natural hazards, risks (current and future), and local adaptation strategies (where they exist). This could be achieved by amending:
 - a. Clause 14(3)(v) (or similar) to ensure the applicant and application provide a thorough evaluation of natural hazard impacts on the project as well as how the project may be affected by climate change and natural hazards.
 - b. Clause 17(3)(j) to read (or similar) "is consistent with local or regional planning documents, including spatial strategies, **Future Development Strategies and any council-approved strategy relating to management of natural hazards or climate change.**"
14. We further consider that national direction and the provision through legislation of more effective regulatory tools for local government are required to support effective decision-making in this regard.

Projects being granted fast-track approvals that undermine our extensive coastal hazard planning work

15. The Strategy has been a deliberately community-based project. We have worked extensively with, and been guided by, mana whenua and community members to get to this point. We describe our work as a "community-up" rather than "council-down" approach.
16. The Bill represents a significant departure from this philosophy. Yet we have found that meaningful collaboration has been the greatest strength of this project so far. We caution against a legislative process that excludes or minimises meaningful input from those that are directly affected by the decisions being made.

Opportunity for projects and programmes of work recommended in our Strategy being fast-tracked

17. Our work developing a long-term strategy for managing coastal hazards has identified a package of preferred adaptive measures over short, medium and long terms. Concept design work and cost estimates have been

prepared for those capital works featured in the preferred first adaptive 'step' (for example, gravel nourishment and the construction of coastal groynes to respond to immediate risks from erosion and inundation).

18. However, we are still working through complexities of funding future delivery of the strategy and this work has not been confirmed in any councils' Long Term Plan. So our projects are not yet 'application ready.' We do know that activities involved in many of the preferred works would require resource consents and probably a variety of approvals under other legislation.
19. If the Bill does pass into legislation, then we anticipate that the fast-track approvals process will offer an opportunity for us to progress those preferred works into the fast-track approvals process. Based on the extensive community input to date, we believe those preferred works would have significant regional benefits in terms of supporting our communities to adapt to the increasing impacts of a changing climate, particularly rising sea levels.
20. However, and noting our commentary above in relation to the collaborative approach we are taking, we consider that this would only be appropriate once the Strategy itself has been widely endorsed through the public consultation process we intend to undertake later in 2024. In this context, it may be that standard resource consent process represents a full re-litigation of matters already developed collaboratively and tested and confirmed through public consultation.
21. We raise this point to highlight for consideration that particularly in relation to our works proposed for climate change adaptation, the application of a fast track process may have some merit, providing there is a strong community developed mandate for the proposed actions and works.

22. Conclusions and Recommendations

23. Our mandate as a Joint Committee is to prepare a strategy for communities in Hawke's Bay already exposed to natural hazards risks.
24. The purpose of this submission is to provide an insight on some of the challenges of our extensive work; highlight the opportunity for the Bill to be used to deliver some of our strategy's projects providing a community mandate is confirmed, and also ask the Environment Committee to recommend amendments to the Bill for additional safeguards so that we can avoid further challenges, expense, and headaches in the future.
25. Thank you for the opportunity to make this submission on the Fast-track Approvals Bill.

Yours sincerely



Jerf van Beek
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Appendix 1 – About the Clifton to Tangoio Coastal Hazards Strategy Joint Committee

The Joint Committee is formally constituted under the Local Government Act 2002, with members appointed by the Hawke’s Bay Regional Council, Tamatea Pokai Whenua (prev. Heretaunga Tamatea Settlement Trust), Hastings District Council, Mana Ahuriri Trust, Napier City Council and Maungaharuru-Tangitū Trust.

Our task is to develop a long-term adaptive plan for coastal hazards for the stretch of coastline between Tangoio in the North, and Clifton in the South. This is the most heavily populated coastal area in Hawke’s Bay, encompassing the city of Napier and the coastal settlements of Clifton, Te Awanga, Haumoana, Clive, Awatoto, Bay View, Whirinaki and Tangoio.

These areas are predominantly low-lying and are exposed to risks from coastal erosion and coastal inundation. Sea level rise will increase these risks over time. Retreat is likely to be the only viable long-term solution for some communities.

Our project was the first in the country to follow the Dynamic Adaptive Pathways Planning (DAPP) approach recommended in the Ministry for the Environment document “Coastal hazards and climate change: Guidance for local government” released in December 2017 (MfE Guidance).

Our work has been profiled by Local Government New Zealand, Ministry for the Environment, Resilience to Nature’s Challenges National Science Challenge, the Organisation for Economic Cooperation and Development (OECD) and has been included as a case study in the National Adaptation Plan released in 2022.

Since we began this work in late 2014 we have:

- Commissioned detailed hazards and risk assessments and ground truthed these with affected communities.
- Developed decision-making processes for determining preferred options for responding to the risks identified.
- Completed cultural values, social impact, coastal ecology and economic assessments.
- Formed two community panels to work collaboratively on understanding risks, identifying and evaluating options, and recommending solutions to the Joint Committee.
- Determined and clarified the roles between the Hawke’s Bay Regional Council and territorial authorities for implementing the Strategy.
- Developed draft adaptation thresholds for each community.
- Explored options for funding models and instruments, including a coastal contributory fund which would seek to build up funds overtime to offset the future cost of adaptation and more equitably spread costs across generations.

This process has taken longer than we expected; existing legislative settings have hindered our pace and progress.

The key remaining task that we are now focused on and developing is the funding model for implementation – that is, determining the relative contributions to Strategy implementation from rate payers and any other contributors.

Prior to Cyclone Gabrielle, the Strategy was planned for public notification and submissions in August 2023. That has now been delayed by approximately 12 months given capacity and resource constraints within the Councils and our communities.