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Committee Secretariat
Environment Committee
Parliament Buildings
Wellington

Submitted via en@parliament.govt.nz

Tēnā Koutou,

Rangitikei District Council submission on Fast-track Approvals Bill

Rangitikei District Council (Council) thanks the Environment Committee (Committee) for the opportunity to submit on the Fast-track Approvals Bill (the Bill).

Council's submission is concise and focuses on only a few matters it considers most important to note for the Committee's consideration. These are:

- General comments on process;
- Eligibility of Prohibited Activities;
- Principles of the Treaty of Waitangi; and
- Decision making.

General comments on process:

Council is largely supportive of the purpose of the Bill which is *"...to provide a fast-track decision-making process that facilitates the delivery of infrastructure and development projects with significant regional or national benefits."* We recognise that the primary objective of the Bill is to reduce consenting costs and timeframes to enable the efficient implementation of large-scale, nationally and regionally significant projects.

To achieve the purpose of the Bill and make it successful Council stresses the importance of appropriately resourcing the ministry/ies responsible for implementing this Bill and not overloading the number of projects accepted into the process.

Notably the projects that will be included in Schedule 2 of the legislation are not currently identified and the eligibility criteria for consideration of non-Schedule 2 listed projects is broad. Council trusts that appropriate steps will be taken to ensure that a fair, transparent, and consistent approach is taken to how projects are selected and accepted into the fast-track approvals process.

As this is a "one-stop-shop" consenting regime where multiple permits and consents under various legislation can be sought and processed concurrently it also means that applicants would be required to have thorough and robust applications, and the process for ensuring

that all the necessary experts have the opportunity to review and comment on them should be well considered and appropriately resourced.

This Bill is similar to the COVID-19 Recovery (Fast-track Consenting) Act 2020 (CRFA), with notable differences. Council's experience with the consents in the Rangitikei District that have been (or are still being) processed through the CRFA is that communication has been sporadic, the process from initial contact onwards has been fairly prolonged, information or comments required from officers within Council has been onerous at times, and Council has not been able to fully cost recover for our involvement in the process.

Council appreciates the opportunity to be involved in the CRFA process and to provide relevant comments for the decision makers to consider. On the face of it, this Bill does not appear to provide local authorities with the same level of involvement and Council would like the Committee to ensure that this is addressed. Local authorities work hard to understand our communities including constraints and opportunities that provide important context for experts considering the projects.

Council wants to be able to contribute to applications for the Rangitikei District in a meaningful way, whilst recognising the intent of the Bill. This includes having the opportunity at appropriate points to contribute, giving us sufficient time to respond, and Council being able to cost recover for the time spent on providing information and comments.

Council also requests that the Bill is amended to ensure that sufficient consideration is given to comments provided by local authorities, iwi, and other specified interested parties. Council invests time and resources into providing these comments and this comes from a place of genuinely wanting to aid the process to ensure good outcomes. The legislation and implementation process should be clear on how the comments provided will be assessed and how they will influence decision-making.

Council notes that consideration of applications prioritises the purpose of the Bill, with less weight being given to other relevant legislation. Ensuring that projects are assessed against principles such as sustainable management and intergenerational equity should still be required. These are important and longstanding principles for the management of New Zealand's resources and until the Resource Management Act 1991 (RMA) is reformed and new direction established these principles should still be given appropriate weight.

Eligibility of Prohibited Activities:

Council notes that a project is not ineligible because an activity has been made a Prohibited Activity via an RMA process. While the Rangitikei District Plan does not identify any Prohibited Activities, Council recognises that where activities have been given this status in other Regional or District Plans, these have gone through robust public and legal processes.

In this respect the Bill undermines local democratic processes that have taken place without giving the relevant communities affected an appropriate opportunity to be involved in a fast-track approval application process. Council recommends that Prohibited Activities should be ineligible for consideration under this process. Or if they remain eligible, then Council suggests that the Bill contains a presumption that Prohibited Activities should not occur

unless there is no other alternative and there is a significant benefit, such as mitigating a risk to life.

Principles of the Treaty of Waitangi:

While Council recognises that persons acting under the Bill must do so in a manner that is “consistent with obligations under Treaty Settlements” it is noted that there is no obligation to act in a manner that is consistent with the principles of Te Tiriti o Waitangi (the Treaty of Waitangi). Council recommends that the Bill is amended to capture the need to be consistent with Te Tiriti o Waitangi.

Decision making:

With regards to the Ministers making the decisions on the applications, Council would like to note its concern that this could create uncertainty and inconsistency from one political cycle to the next.

Council recommends that decisions are made on applications by Expert Panels. The purpose of the Bill provides clear direction for the Expert Panels and steps can be taken to ensure that decision making is timely and that the right balance is struck in terms of conditions of consent and monitoring that is imposed if an application is approved.

Conclusion:

Council is generally supportive of the intent of the Bill but asks that the Committee further consider the following matters:

- That projects accepted into the process should be carefully considered and prioritised and that the ministry/ies responsible for implementation are appropriately resourced.
- That steps are taken to ensure that the process for accepting projects into this process is fair, transparent, and consistent.
- That local authorities are given an appropriate opportunity to comment on the projects accepted into this process, and that the legislation and implementation process should be clear on how the comments provided will be assessed and how they will influence decision-making.
- Appropriate weight is given to the purpose/guiding principles of other relevant legislation in the consideration of applications.
- That activities identified through an RMA process as Prohibited Activities should be ineligible for consideration under this process.
- That applications need to be assessed against the principles of Te Tiriti o Waitangi.
- That decisions on applications should be made by Expert Panels.

Ngā mihi



Andy Watson

Mayor of the Rangitikei