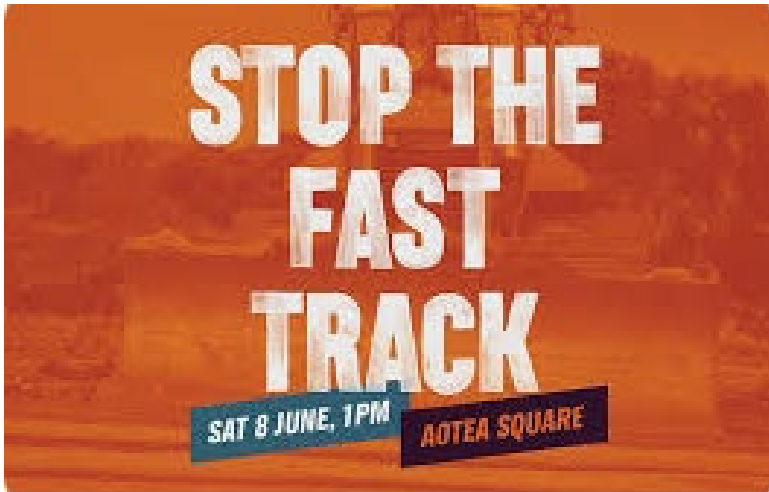


Fast Track Approvals Bill

What is the Fast Track Approvals Bill?

- One stop shop for delivery of infrastructure and development projects with significant regional or national benefits.
- RMA 1991 (consents and designations), Conservation Act 1987, Wildlife Act 1953, Fisheries Regulations 1977, Heritage New Zealand Pouhere Taonga Act 2014, Exclusive Economic Zone and Continental Shelf Act 2021, Crown Minerals Act 1991.
- Projects gain access by applying to the Joint Ministers (Infrastructure, Transport and Regional Development, plus Conservation and Crown Minerals Minister in limited circumstances).
- Projects are fast tracked by being referred to an Expert Panel to make recommendations.
- No public submissions (but comments from local and central government agencies, other Ministers, Māori interests and immediately adjacent landowners).
- Different criteria for assessing projects – Expert Panel must give the Fast-track delivery of infrastructure and development projects with significant regional or national benefits purpose of the Bill primacy.
- Joint Ministers consider the Expert Panel recommendations and decide whether to grant or decline or direct Expert Panel to reconsider if new information.
- No Environment Court appeals. High Court appeals on points of law only.

What is all the controversy about?



- Lack of checks and balances.
- Ministerial decision making (override):
 - National Development Act 1979.
 - UK.
- Role of Minister for the Environment and Minister of Conservation.
- Protection of the environment.
- Purpose and principles of the RMA.
- Public participation
- Prohibited activities.
- Wide powers for regionally significant projects and housing developments.

What projects can be fast tracked?

- Listed projects and referred projects.
- Listed project applications being considered by an advisory group of business and infrastructure leaders.
- Eligibility criteria:
 - Purpose of the Fast Track Act.
 - More timely and cost efficient.
 - Impact on the efficient operation of the Fast Track process.
 - Significant National and Regional Benefits.

Examples:

- Mining
- Hospitals
- Renewable energy projects
- Marinas and port infrastructure
- Arterial and state highway roading projects
- Housing developments

Significant national and regional benefits?

- Identified as a priority project in a central government, local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy) or central government infrastructure priority list.
- Delivers regionally or nationally significant infrastructure.
- Increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment (within the meaning of policy 1 of the National Policy Statement on Urban Development 2020).
- Delivers significant economic benefits.
- Supports primary industries, including aquaculture.
- Supports development of natural resources, including minerals and petroleum.
- Supports climate change mitigation, including the reduction or removal of greenhouse gas emissions.
- Supports adaptation, resilience, and recovery from natural hazards.
- Addresses significant environmental issues
- Consistent with local or regional planning documents, including spatial strategies.

How much faster will fast track consents be?

- Potentially much – controversial projects can take 10 years to work their way through the Courts when submissions can be lodged in opposition.
- Schedule 4 process – 25 (plus 25) working days from receiving comments for Expert Panel to issue decision.
- But:
 - Front end loading and gold-plated consents.
 - Covid 19 Fast Track consents often put on hold at applicant's request to respond to comments.
 - Resourcing the EPA and Expert Panels.
 - Judicial review risk.



What next?



- Bill referred to the Environment Committee.
- 27,000 submissions mostly in opposition.
- Select Committee Report due next month.
- Government has committed to incorporating “sensible changes” to the Bill.
- Forest and Bird Chief Executive, Nicola Toki, warns that the Bill:

“Will lead to protests and litigation across this country the likes of which we haven’t seen in many many years.”