

## GUIDANCE DOCUMENT

### SUBMISSIONS TO THE SELECT COMMITTEE

# Fast Track Consent Approval

**Submissions Due April 19, 2024**

#### How to use this document:

- This document gives background information and sets of statements to draw upon to create your submission.
- Copy and paste detail from sections as you need
- [Rephrase, revise, and reword as](#) you need – make it personal, make it yours (Tiktok here explaining that)

**\*\*\*This is important – if it is a templated document, it may reduce the impact of your submission.\*\*\***

Use [CHAT GPT](#) or [Quillbot](#) to scaffold your thinking/shape ideas

[Link here](#) to the draft of the bill

[Create submission here](#)

<b>MAKING A SUBMISSION</b>	<b>2</b>
<b>BACKGROUND TO BILL</b>	<b>2</b>
Process and decision-making criteria	3
<b>About the Bill</b>	<b>3</b>
<b>Key steps in the process</b>	<b>3</b>
<b>Primary decision-making criteria</b>	<b>4</b>
<b>MAKE A SUBMISSION</b>	<b>4</b>
<b>THE BILL – POINTS TO MAKE ON BROAD ISSUES:</b>	<b>5</b>
<b>DETAIL ON PART 2 RMA</b>	<b>6</b>
<b>SECTION 5 (PURPOSE OF RMA)</b>	<b>6</b>

PLEASE UPLOAD YOUR SUBMISSIONS [TO THIS FOLDER FOR PEOPLE TO VIEW](#)

<b>IMPACTS/RISKS TO SECTION 5</b>	<b>7</b>
<b>SECTION 5 SUMMARY</b>	<b>9</b>
<b>SECTION 6:</b>	<b>9</b>
<b>IMPACTS/RISKS TO SECTION 6 RMA</b>	<b>10</b>
<b>SECTION 6 SUMMARY</b>	<b>11</b>
<b>SECTION 7 RMA</b>	<b>12</b>
<b>IMPACTS/RISKS TO SECTION 7 RMA</b>	<b>12</b>
<b>SECTION 7 SUMMARY</b>	<b>14</b>
<b>SECTION 8 RMA</b>	<b>15</b>
<b>IMPACTS/RISKS TO SECTION 8 RMA</b>	<b>15</b>
<b>SECTION 8 SUMMARY</b>	<b>16</b>
<b>POTENTIAL IMPACTS</b>	<b>17</b>
<b>SUMMARY</b>	<b>18</b>
<b>IMPACTS AND RISKS ON CONSULTATION</b>	<b>19</b>
<b>MAKE A SUBMISSION</b>	<b>21</b>

## HOW TO WRITE A SUBMISSION

- [Link here](#) to the draft of the bill
- [Create submission here](#)
- [Link here](#) to the Tiktok demo: using [Chat GPT](#) to create your submission

1. Are you submitting as an individual or organisation? (pick one)
2. Do you wish to make an oral submission to the committee?\* Y/N
3. Enter contact details
4. Is there anything about your submission or making an oral submission that committee members or staff should know? \* (Y/N)
5. I/we wish to make the following comments:  
*Use this guidance to select comments (copy and paste into a doc and then follow CHAT GPT PROMPT)*
6. I/we wish to make the following recommendations:  
*Use this guidance to state what you want to see (copy and paste into a doc and then follow CHAT GPT PROMPT)*

## GPT PROMPT

I want you to create a submission for the proposed Fast Track Approvals Bill, due April 19, 2024 in New Zealand. I want you to use the following information to create a set of concerns and then a set of recommendations.

Please organise ideas effectively and make sure it is in language appropriate for a submission.

## BACKGROUND TO BILL

**The purpose of this legislation is to establish a streamlined consenting pathway; 'one-stop-shop' for projects with 'significant national or regional benefits.'**

The Bill encompasses a unified decision-making process for approvals, extending beyond the Resource Management Act (RMA) to various legislations, including:

- The Conservation Act 1987
- Wildlife Act 1953
- Freshwater Fisheries Regulations 1983
- Reserves Act 1977
- Heritage NZ Pouhere Taonga Act 2014
- Crown Minerals Act 1991
- Public Works Act 1981
- Fisheries Act 1996.

The Bill aims to '*expedite the consenting procedures for notable housing and infrastructure projects.*'

## Process and decision-making criteria

- Has successfully passed its initial reading in the House under urgency
- Will now undergo review by the Select Committee for public submissions.
- The submission deadline is Friday, 19 April 2024

## About the Bill

- The Bill permits nationally or regionally significant developments to proceed either through Ministerial referral or specific listing in the Bill
- Although no specific projects are currently listed, the Government is expected to announce calls for nominated projects in the coming weeks.
- Referred or listed projects will undergo assessment by an **expert panel**, providing recommendations to the responsible Minister
- This **Minister** holds the authority to approve these projects.

## Key steps in the process

- Applications for the fast-track process are submitted to the responsible agency (currently identified as MfE and MBIE)
- Responsible agency presents the application and a corresponding report to the Ministers.
- The decision on referral to an expert panel **lies with the Ministers**, not the agencies.
- The determination of whether a development is 'nationally or regionally significant' for the fast-track process lacks a specific definition.

*Clause 17(3) and (4) offer examples that Ministers may consider, such as the proposal's potential for:*

- significant economic benefits
- increased housing supply
- support for primary industries or;
- contributions to climate change and natural hazard mitigation.

- **The process applies to prohibited activities, but Ministerial discretion allows for the rejection of referral to an expert panel on that basis.**
- Public or limited notification is not allowed, although expert panels **may** seek input from Māori, local government, requiring authorities, and landowners.
- The expert panel's consideration and recommendation process is expected to conclude in less than 6 months.
- Ministers can refer projects back to the expert panel if the proposed conditions are deemed **excessively burdensome**, and back to the original applicant for application amendments.

## Primary decision-making criteria

The primary decision-making criteria for project approval or rejection are aligned with the Bill's purpose, 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, ***taking precedence over considerations in existing legislation.***

**The key criteria is that the activity REFLECTS the purpose of the bill (as above)**

Then the weighted order of additional considerations follows:

1. The purpose of the RMA as outlined in section 5.
2. Matters for consideration in section 6 of the RMA.
3. Matters for consideration in section 7 of the RMA.
4. The provisions of any relevant national direction, operative and proposed policy statements and plans, iwi management plans, Mana Whakahono ā Rohe, and joint management agreements.
5. Finally, 'the relevant provisions of the RMA or other legislation that direct decision making under the RMA,' with examples provided in sections 104-107 of the RMA.



**It is important to note that SECTION 8 of the RMA – Te Tiriti o Waitangi – is not explicit in the weighting.**

## MAKE A SUBMISSION

**[https://www.parliament.nz/en/pb/sc/make-a-submission/document/54SCENV\\_SCF\\_083F0A7B-F182-41D5-0897-08DC3E31559C/fast-track-approvals-bill](https://www.parliament.nz/en/pb/sc/make-a-submission/document/54SCENV_SCF_083F0A7B-F182-41D5-0897-08DC3E31559C/fast-track-approvals-bill)**

## THE BILL – POINTS TO MAKE ON BROAD ISSUES:

Lack of Definition for 'nationally or regionally significant':

- The absence of a clear definition for what constitutes 'nationally or regionally significant' developments raises concerns about subjectivity and potential bias in the decision-making process.

**PLEASE UPLOAD YOUR SUBMISSIONS [TO THIS FOLDER FOR PEOPLE TO VIEW](#)**

- Clause 17(3) and (4) provide examples, but the lack of a precise definition may lead to ambiguity and leave room for interpretations that may not adequately consider the specific concerns of iwi Māori.

**Limited consultation and notification:**

- Prohibiting public or limited notification restricts the ability of iwi Māori, local governments, requiring authorities, and landowners to voice their concerns or provide valuable input into the decision-making process.
- While expert panels may seek comments from these stakeholders, the absence of formal notification mechanisms may hinder the inclusion of diverse perspectives, especially those related to Māori interests.

**Ministerial discretion for prohibited activities:**

- Granting Ministerial discretion for the referral of prohibited activities to expert panels raises concerns about transparency and accountability.
- The discretionary power may be exercised in ways that do not adequately consider the impact on Māori rights, interests, and cultural values, potentially leading to decisions that bypass critical environmental and cultural considerations.

**Accelerated decision-making timeline:**

- The proposed timeline of less than 6 months for expert panel consideration and recommendations may not allow sufficient time for thorough assessments of the potential impact on Māori cultural values and interests.
- Rushed decision-making processes may undermine the ability to adequately address the concerns of iwi Māori, potentially overlooking crucial aspects of cultural heritage and environmental sustainability.

**Override of existing legislation:**

- The prioritisation of the Bill's purpose to expedite infrastructure and development projects with significant regional or national benefits may override considerations in existing legislation, including those aimed at protecting Māori rights and cultural values.
- The descending order of weighted considerations after the Bill's purpose, while including some references to the RMA and other legislation, does not adequately safeguard Māori interests in

decision-making processes **and omits Section 8 Te Tiriti o Waitangi.**

Uncertainty surrounding nominated projects:

- The lack of specific projects listed in the Bill, with only an anticipation of calls for nominated projects, introduces uncertainty about the potential impact on Māori rights, interests, and cultural values.
- Iwi and Whānau Māori may face challenges in preparing for or responding to developments that could affect their lands and resources.

Risks and challenges for iwi Māori by:

- potentially limiting consultation
- introducing discretionary powers
- accelerating decision-making processes without adequate consideration of cultural values and interests.
- It is crucial for the Select Committee to address these concerns to ensure a fair and inclusive approach that respects the rights and values of Māori communities.

## DETAIL ON PART 2 RMA

### SECTION 5 (PURPOSE OF RMA)

(1)The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2)In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while

(a)sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b)safeguarding the life-supporting capacity of air, water, soil, and ecosystems;  
and

(c)avoiding, remedying, or mitigating any adverse effects of activities on the environment.

## IMPACTS/RISKS TO SECTION 5

The Fast-track Approvals Bill may compromise Section 5 of the Resource Management Act (RMA), which outlines the purpose of the Act and the principles of sustainable management of natural and physical resources. Here are potential compromises to Section 5:

Expedited decision-making vs. sustainable management:

- The fast-track nature of the Bill may prioritise speed over the comprehensive assessment required for sustainable management.
- The emphasis on expediting projects may compromise the careful consideration of the potential adverse effects of activities on the environment, as mandated by Section 5(c).

Limited time for comprehensive assessment:

- The expedited process may limit the time available for thorough and comprehensive assessments of the environmental impact of projects.
- Inadequate time for assessment may result in decisions that do not align with the principles of safeguarding the life-supporting capacity of air, water, soil, and ecosystems, as outlined in Section 5(b).

Potential for overlooking future generations' needs:

- The focus on fast-tracking projects may prioritise short-term economic and development gains over the long-term sustainability of natural and physical resources for future generations.
- Decisions made without sufficient consideration of the potential needs of future generations may compromise the purpose of the Act outlined in Section 5(2)(a).



Risk of neglecting social, economic, and cultural well-being:

- The expedited process may inadvertently lead to decisions that prioritise one aspect (e.g., economic benefits) over a balanced consideration of social, economic, and cultural well-being, as required by Section 5(2).
- Neglecting any of these components may result in imbalances and potential negative impacts on communities.

Potential adverse effects on the environment:

- The expedited nature of the Bill may risk overlooking or underestimating the potential adverse effects of activities on the environment.
- Failure to adequately avoid, remedy, or mitigate adverse effects may compromise the sustainable management principles outlined in Section 5(c).

Contravention of safeguarding life-supporting capacity:

- Expedited decision-making may lead to insufficient consideration of how activities impact the life-supporting capacity of air, water, soil, and ecosystems.
- Failure to safeguard these elements may undermine the purpose of the Act, as outlined in Section 5(b).

Potential Imbalance in well-being considerations:

- The focus on fast-tracking housing and infrastructure projects may unintentionally lead to an imbalance in considering social, economic, and cultural well-being.
- Failure to achieve a balanced approach may result in projects that prioritise certain aspects at the expense of others, impacting overall community well-being.

## SECTION 5 SUMMARY

The Fast-track Approvals Bill compromises Section 5 of the RMA by potentially prioritising speed over the comprehensive and balanced assessment required for sustainable management of natural and physical resources.

It is crucial for the Select Committee to carefully consider and address these potential risks to ensure that the Bill aligns with the purpose and principles outlined in Section 5.

## SECTION 6:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
- (f) the protection of historic heritage from inappropriate subdivision, use, and development.
- (g) the protection of protected customary rights.
- (h) the management of significant risks from natural hazards.

## IMPACTS/RISKS TO SECTION 6 RMA

The Fast-track Approvals Bill compromises Section 6 of the Resource Management Act (RMA) 1991, which outlines matters of national importance that

must be recognized and provided for in the management of the use, development, and protection of natural and physical resources. Here's how the Bill may impact each of the considerations listed in Section 6:

Preservation of natural character of coastal environment:

- The fast-track process may lead to expedited decision-making, potentially compromising the thorough assessment of projects' impacts on the natural character of the coastal environment.
- Inappropriate subdivision, use, and development may not be adequately scrutinised, posing risks to the preservation of the coastal environment.

Protection of outstanding natural features and landscapes:

- Accelerated decision timelines may result in insufficient evaluation of projects' impacts on outstanding natural features and landscapes.
- Inadequate consideration of the protection aspects may lead to inappropriate subdivision, use, and development, jeopardising the preservation of these significant areas.

Protection of indigenous vegetation and fauna habitats:

- The fast-track process may not allow for comprehensive assessments of the impact on significant indigenous vegetation and fauna habitats.
- Inadequate consideration may lead to inappropriate development, posing risks to the protection of these essential ecological elements.

Maintenance and enhancement of public access:

- The expedited decision-making may not provide sufficient time to address the maintenance and enhancement of public access along the coastal marine area, lakes, and rivers.
- Inadequate attention to these considerations may result in projects that compromise public access and recreational opportunities.

Māori relationship with ancestral lands and cultural sites:

- The Bill's focus on fast-tracking projects may undermine the proper recognition and consideration of the relationship of Māori and their culture and traditions with ancestral lands, water, sites, waahi tapu, and other taonga.
- Insufficient time for consultation and engagement may impact the ability to address the cultural significance of these areas.

Protection of historic heritage:

- The expedited process may not allow for a thorough assessment of the impact on historic heritage.
- Inappropriate subdivision, use, and development may pose risks to the protection of historic heritage.

Protection of protected customary rights:

- The discretionary powers and accelerated decision-making may not adequately consider and protect protected customary rights.
- Lack of transparency and consultation may result in decisions that do not align with the protection of these rights.

Management of significant risks from natural hazards:

- The fast-track process may compromise the careful evaluation and management of significant risks from natural hazards.
- Inadequate consideration of these risks may lead to projects that increase vulnerability to natural disasters.

## SECTION 6 SUMMARY

In summary, the Fast-track Approvals Bill compromises Section 6 of the RMA 1991 by potentially compromising the comprehensive assessment and protection of matters of national importance, thereby impacting the sustainable management of natural and physical resources. It is crucial for the Select Committee to address these concerns and ensure that the Bill aligns with the principles outlined in Section 6.

## SECTION 7 RMA

Section 7 of the Resource Management Act sets out "other matters" which persons exercising functions and powers under the Act must "have particular regard to".

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) Kaitiakitanga:
- (aa) The ethic of stewardship:
- (b) The efficient use and development of natural and physical resources:
- (ba) the efficiency of the end use of energy:
- (c) The maintenance and enhancement of amenity values:
- (d) Intrinsic values of ecosystems:
- (e) *Repealed*.
- (f) Maintenance and enhancement of the quality of the environment:
- (g) Any finite characteristics of natural and physical resources:
- (h) The protection of the habitat of trout and salmon:
- (i) the effects of climate change:
- (j) the benefits to be derived from the use and development of renewable energy.

## IMPACTS/RISKS TO SECTION 7 RMA

The Fast-track Approvals Bill compromises Section 7 of the Resource Management Act (RMA) 1991, which outlines "other matters" that persons exercising functions and powers under the Act must "have particular regard to."

Kaitiakitanga:

- The expedited decision-making process may limit the ability to consider and incorporate kaitiakitanga, the Māori right and responsibility of guardianship and stewardship in the management of natural and physical resources.
- The fast-track approach may not allow for comprehensive consultation with tangata whenua to ensure values and perspectives on stewardship are adequately addressed.

Ethic of stewardship:

- The accelerated timelines may hinder the conscientious consideration of the ethic of stewardship in resource management decisions.
- The efficiency-driven focus of the Bill may not align with the thorough and careful approach required for the ethical aspects of stewardship.

Efficient use and development of resources:

- The emphasis on expediency may lead to decisions that prioritise speed over the careful evaluation of the efficient use and development of natural and physical resources.
- Comprehensive assessments of resource use may be compromised, potentially resulting in suboptimal outcomes.

Efficiency of end use of energy:

- The Bill's fast-track approach may not provide sufficient time for a detailed examination of the efficiency of the end use of energy in proposed projects.
- Inadequate consideration may result in projects that do not align with energy efficiency goals.

Maintenance and enhancement of amenity values:

- The time constraints of the fast-track process may impact the thorough evaluation of projects' effects on the maintenance and enhancement of amenity values.
- Risks include insufficient consideration of the impact on community well-being, aesthetics, and recreational values.

Intrinsic values of ecosystems:

- The expedited decision-making may not allow for a comprehensive assessment of the intrinsic values of ecosystems.
- Risks include inadequate consideration of the ecological importance and biodiversity of ecosystems affected by proposed projects.

Maintenance and enhancement of environmental quality:

- The Bill's focus on speed may compromise the maintenance and enhancement of the quality of the environment.
- Insufficient time for rigorous assessments may lead to decisions that have adverse environmental impacts.

Finite characteristics of resources:

- The fast-track process may not adequately consider the finite characteristics of natural and physical resources.
- Risks include insufficient attention to resource depletion, sustainability, and the long-term impacts of resource use.

Protection of trout and salmon habitat:

- The expedited timelines may limit the careful consideration of measures for the protection of the habitat of trout and salmon.

- Risks include inadequate safeguards for these species and their ecosystems.

Effects of climate change:

- The accelerated decision-making process may not allow for a comprehensive examination of the effects of climate change in proposed projects.
- Risks include insufficient consideration of climate change impacts and mitigation measures.

Benefits from renewable energy:

- The fast-track approach may compromise the thorough evaluation of the benefits derived from the use and development of renewable energy.
- Risks include inadequate consideration of the environmental, economic, and social benefits associated with renewable energy projects.

## SECTION 7 SUMMARY

The Fast-track Approvals Bill may pose risks to Section 7 of the RMA 1991 by potentially compromising the thorough consideration of these "other matters," which are crucial for sustainable resource management. It is important for the Select Committee to address these concerns and ensure that the Bill aligns with the principles outlined in Section 7.

## SECTION 8 RMA

Section 8 requires that all persons exercising functions and powers under the Resource Management Act take into account the principles of the Treaty of Waitangi.

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural

and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

It is important to note the distinction between the “principles of the Treaty of Waitangi ” and the actual text(s) of the Treaty of Waitangi (Te Tiriti o Waitangi). The principles of the Treaty of Waitangi include the duty of the Crown and Māori to act reasonably and in good faith and the duty of the Crown to actively protect Māori interests and make informed decisions (which in most cases will require consultation).

## IMPACTS/RISKS TO SECTION 8 RMA

The Fast-track Approvals Bill may present risks to Section 8 of the Resource Management Act (RMA) 1991, which requires all persons exercising functions and powers under the Act to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Here are potential risks:

Limited time for consultation:

- The expedited decision-making process may limit the time available for meaningful consultation with Māori communities.
- Inadequate consultation may lead to decisions that do not align with the principles of the Treaty, as the duty to act reasonably and in good faith may not be fulfilled.

Lack of good faith:

- The fast-track nature of the Bill and the low weighting of Section 8 undermines the duty of the Crown and other parties involved to act in good faith.
- Expedited processes may be perceived as rushed and may not allow for the thorough consideration of Māori interests, potentially violating the principles of good faith.

Insufficient protection of Māori interests:

- The expedited decision-making process may not adequately protect Māori interests, as the duty of the Crown to actively protect these interests may be compromised.
- Decisions made without thorough consideration may not align with the duty to actively protect and make informed decisions regarding



Māori interests.

Potential lack of reasonable decision-making:

- The fast-track approach may risk undermining the duty of the Crown and other decision-makers to act reasonably.
- Decisions made without sufficient time for evaluation and consultation may not be reasonable, leading to potential conflicts with the principles of the Treaty.

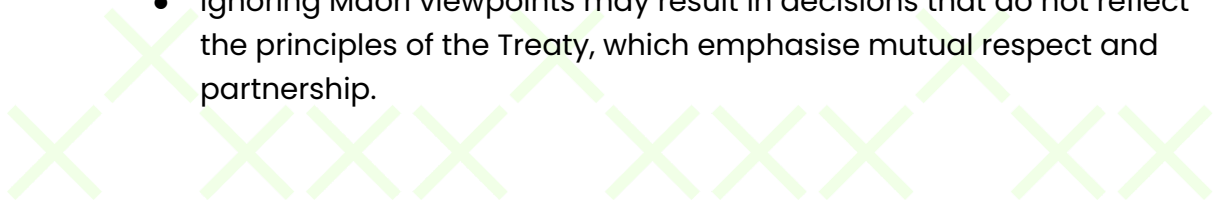
•

Inadequate Consideration of Informed Decisions:

- The expedited nature of the Bill may result in decisions being made without fully informed considerations.
- Adequate time for information gathering and consultation is crucial for making informed decisions that align with the principles of the Treaty.

Risk of Ignoring Māori Perspectives:

- The fast-track process may not provide ample opportunity to consider and incorporate Māori perspectives into the decision-making process.
- Ignoring Māori viewpoints may result in decisions that do not reflect the principles of the Treaty, which emphasise mutual respect and partnership.



## SECTION 8 SUMMARY

In summary, the Fast-track Approvals Bill absolutely compromises Section 8 of the RMA by potentially limiting the time for consultation, undermining the duty of good faith, and compromising the protection of Māori interests. It is essential for the Select Committee to address these concerns to ensure that the Bill aligns with the principles of the Treaty of Waitangi.

## Iwi Participation Arrangements with Councils

Mana Whakahono a Rohe provide a mechanism for councils and iwi to reach an agreement on ways tangata whenua may participate in RMA decision making and to assist local authorities to comply with their statutory duties under the RMA

Both councils and iwi authorities can initiate the process to form a Mana Whakahono a Rohe.

A Mana Whakahono a Rohe must discuss:

- How iwi will participate in plan making processes
- How required consultation with iwi will be undertaken
- How council and iwi will work together to develop monitoring methodologies
- How council and iwi will give effect to the requirements of any relevant iwi participation legislation (or agreements under such legislation)
- A process for managing conflicts of interest
- A process for resolving disputes

A Mana Whakahono a Rohe may also identify how council will consult or notify an iwi authority on resource consents matters (where required), where a iwi authority may be given limited notification as an affected party, how iwi authorities (if there are 2 or more) will work collectively together to engage with council, any delegation of roles from an iwi authority to a person or group, and any other arrangements relating to RMA processes.

Once a Mana Whakahono a Rohe has been finalised, councils must review their internal policies and processes to ensure they are consistent with the Mana Whakahono a Rohe.

## POTENTIAL IMPACTS

The Fast-track Approvals Bill could impact the mechanisms established for councils and iwi to collaborate on RMA decision-making.

Limited time:

- The expedited nature of the decision-making process under the Fast-track Approvals Bill may limit the time available for councils and iwi

**PLEASE UPLOAD YOUR SUBMISSIONS [TO THIS FOLDER FOR PEOPLE TO VIEW](#)**

- Insufficient time for discussions may hinder the development of robust agreements on iwi participation in decision-making processes.

Inadequate discussion on participation processes:

- The fast-track process may not allow for comprehensive discussions
- Lack of thorough dialogue may result in agreements that do not sufficiently address the ways in which tangata whenua can effectively participate in decision-making

Challenges in consultation processes:

- The time constraints imposed by the Fast-track Approvals Bill may limit the development of effective consultation mechanisms between councils and iwi,
- Inadequate consideration and agreement on consultation procedures may hinder the ability to comply with statutory duties under the RMA.

Compromised monitoring methodologies:

- The fast-track approach may affect the development of collaborative monitoring methodologies between councils and iwi, as required by Mana Whakahono a Rohe.
- Insufficient time for joint planning and agreement on monitoring may impact the effectiveness of environmental monitoring processes.
- Inadequate attention to these processes may result in challenges when conflicts arise during RMA decision-making.

## SUMMARY

In summary, the Fast-track Approvals Bill's accelerated decision-making process may compromise this mechanism by limiting the time available for comprehensive discussions and agreements between councils and iwi. This could potentially impact the effectiveness of iwi participation in RMA decision-making and the ability of local authorities to comply with their statutory duties under the RMA.

Sample line: It is crucial for the Select Committee to consider these potential risks and make adjustments to ensure the preservation of meaningful collaboration between councils and iwi in RMA processes.

## Consultation on resource consents

Section 36A of the RMA explicitly states that neither an applicant nor a local authority have a duty to consult any person (including Māori) about a resource consent application unless this is required under other legislation. However, an Assessment of Effect should identify any persons who will be affected by a proposal, any consultation undertaken, and any response to the views of any person consulted.

Early consultation with Māori is best practice for resource consent applicants (where Māori interests may be affected) in order to establish a working relationship with tangata whenua, demonstrate compliance with the relevant provisions in Part 2 of the Resource Management Act, and to reduce the likelihood of future difficulties arising, including litigation.

## IMPACTS AND RISKS ON CONSULTATION

The Fast-track Approvals Bill may pose risks to Section 36A of the Resource Management Act (RMA) and the Assessment of Effect, particularly in the context of consultation on resource consents. Here are potential risks:

Limited duty to consult:

- Section 36A explicitly states that neither the applicant nor the local authority has a duty to consult any person, including Māori, about a resource consent application unless required by other legislation.
- The Fast-track Approvals Bill's expedited process may further reduce the emphasis on early consultation, potentially limiting opportunities for meaningful engagement with affected parties, including Māori.

Impact on Assessment of Effect:

- The Assessment of Effect is a critical component of resource consent applications, providing an analysis of how a proposal may affect various aspects, including affected persons.

- With limited duty to consult under Section 36A, the Assessment of Effect may not adequately capture the perspectives and concerns of Māori, potentially resulting in an incomplete understanding of the proposal's impact.

Reduced opportunities for early consultation with Māori:

- While early consultation with Māori is considered best practice, the expedited nature of the Fast-track Approvals Bill may not provide sufficient time for resource consent applicants to engage in meaningful consultation with Māori.
- Limited opportunities for early engagement may hinder the establishment of working relationships with tangata whenua, potentially leading to challenges in demonstrating compliance with relevant provisions in Part 2 of the RMA.

Potential for future difficulties and litigation:

- Reduced emphasis on early consultation, as facilitated by Section 36A, may increase the likelihood of future difficulties arising, including potential litigation.
- Lack of early engagement may result in disputes and legal challenges, particularly if Māori interests are not adequately considered during the resource consent application process.

Contravention of best practices:

- The Fast-track Approvals Bill may inadvertently encourage a departure from best practices that emphasise early consultation, collaboration, and relationship-building with affected parties, including Māori.
- Contravention of best practices may lead to negative consequences, including strained relationships, increased opposition, and potential delays in project implementation.

In summary, the Fast-track Approvals Bill risks to Section 36A and the Assessment of Effect by potentially diminishing the emphasis on early consultation and engagement with Māori. It is essential for the Select Committee to carefully consider these potential risks and assess whether adjustments are needed to ensure that the Bill aligns with the principles of meaningful consultation and compliance with the RMA.

PLEASE UPLOAD YOUR SUBMISSIONS [TO THIS FOLDER FOR PEOPLE TO VIEW](#)

## MAKE A SUBMISSION

[https://www.parliament.nz/en/pb/sc/make-a-submission/document/54SCENV\\_SCF\\_083F0A7B-F182-41D5-0897-08DC3E31559C/fast-track-approvals-bill](https://www.parliament.nz/en/pb/sc/make-a-submission/document/54SCENV_SCF_083F0A7B-F182-41D5-0897-08DC3E31559C/fast-track-approvals-bill)

