

Tasman District Council Fast Track Approvals Bill Oral Submission to Environment Committee, 14 June 2024

1.0 Introduction

We welcome the opportunity to make further comments on the Fast Track Approvals Bill.

Tasman District Council is a unitary authority, servicing a population of 60,500 and covers 9,786 square kilometres.

It has a GDP of \$3.06 billion and according to recent census data, it is the fastest growing region in NZ.

Council's main concerns centre on the:

- elevated Ministerial discretionary powers,
- diminished priority for environmental protection measures,
- increased burden on local authorities for compliance,
- lack of definition on what constitutes national and regional significance,
- 10- day timeframes,
- process not aligned to local authority servicing needs, and
- limited appeal rights.

2.0 Tasman's key recommendations for improvement

PURPOSE OF THE BILL

1. Change the purpose by
 - **supporting development within existing environmental protective legislation to remove the risk of development bias.**
 - **including associated provisions to demonstrate consideration of RMA matters including those effects not addressed by Part 2.**

DECISION MAKING POWERS

2. Fetter decision making powers by
 - **including the involvement of the Minister for the Environment in decisions and expert advice.**
 - **making it a mandatory requirement for Ministers to seek advice from Expert Panels.**
 - **require judicial decisions to be delivered in a certain specified timeframe.**

- **E.g wharf facility & marine farming in BoP, got COVID fast track consent but appeal took so long the project was canned**

ELIGIBILITY FOR FAST TRACK PROCESS

3. Restrict eligible projects by e.g

- **identifying early which types of projects will not pass go.**
- **E.g projects that have already been declined through other processes**
- **providing clear criteria and thresholds to define nationally and regionally significant projects.**
- **ensuring proposals clearly identify how there will be significant public benefit.**
- **including a gateway or threshold test that the Ministers must consider before granting an application for a prohibited activity.**

COUNCIL's ROLE and COST RECOVERY

4. Clarify and support local authorities by

- **Change the 10-day timeframes so they are realistic and give local authorities the ability to participate effectively in the FTP including, for example, the ability to input and provide evidence to the Expert Panel to inform its decisions.**
- **Councils have huge amounts of local knowledge and expertise but need to time to respond**
- **This includes clarifying the scope of Councils' roles, specifically what information is expected and in what format and timeframes.**
- **Clarifying who is responsible for defending appeals once minister make decision.**
- **ensure Councils are fully engaged in key stages of the pre or application processes (development of draft consent conditions, design of final conditions or consents)**
- **ensure Councils can recover all related costs including those after a consent is granted e.g compliance and monitoring**

IWI and COMMUNITY INVOLVEMENT

5. Ensure local expertise informs the FTP by
 - **strengthening provisions to allow local expertise to inform applications where local communities will be affected by major developments.**
 - **make it mandatory to consider Iwi Management Plans or Strategies and Cultural Impact Assessments with applications as per existing RMA approval processes.**

PROCESS IMPROVEMENTS

6. **Make natural hazard and CC risk assessments mandatory.**
7. **Include ability to amend plans if required.**

E.g SHA's had to do mop up plan change to fix underlying zone after SHAs consented, costly and bureaucratic.

8. **Ensure transparent decision making by ensuring discretion available to an Expert Panel to hold a hearing is applied consistently across applications.**