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Ministry for the Environment
PO Box 10362
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Tēnā koutou,

Canterbury Regional Council submission on the Fast-Track Approvals Bill.

The Canterbury Regional Council welcomes the opportunity to provide feedback on the Fast-Track Approvals Bill.

We look forward to continued engagement with the Government on these proposals as they progress through the parliamentary process.

Yours sincerely



Peter Scott
Chair, Canterbury Regional Council

Fast-Track Approvals Bill

Introduction

1. The Canterbury Regional Council ('the Council') welcomes the opportunity to submit on the Fast-Track Approvals Bill.
2. The Council's submission is made in the context of its functions, roles and responsibilities under the Resource Management Act and Local Government Act, and its commitment towards becoming a Tiriti partner of excellence.
3. Critical to the success of any regulatory system is public confidence in the process and outcomes of decision-making. The Fast-Track Bill has the potential to deliver projects faster, at less cost and with quicker realisation of benefits. However, there are also risks that need to be managed to ensure a system that reflects good democratic process, with outcomes that work for our communities.
4. Through this submission, the Council has drawn on its experiences operating under similar 'fast-track' legislation¹. Our learnings through this process are that expedited decision-making can be achieved, in ways that work for communities, provided the system includes the right checks and balances.
5. We look forward to discussing our suggestions with you as part of the upcoming select committee process.

Executive Summary

6. Faster, cheaper approvals systems are laudable goals of any regulatory system. However, fit-for-purpose regulatory systems need to balance efficiency goals with broader outcomes relating to environmental, social, cultural and economic well-being. Achieving the right balance is even more critical where regulatory systems involve the management of public resources and public space (i.e. the commons).
7. Public participation, evidence-based decision-making and transparency are cornerstones of sound democratic process. Legislation that incorporates these principles is likely to gain greater public acceptance, drive better outcomes, and be more enduring.
8. The Council has analysed the Fast-Track Bill and summarises its key points as follows:
 - **Separation of powers² is critical to public confidence in decision-making.** Decision-makers need to free from perceptions of bias, with clear demarcations between those who make the law and those who enforce it.
 - **The Crown must uphold its obligations in relation to Te Tiriti o Waitangi.** Commitments to uphold Treaty Settlements important, but the legislation must go further and require the Crown to uphold broader obligations under Te Tiriti o Waitangi.
 - **Fast-track processes are the exception to the norm and should be treated as-such.** Fast-track processes can expedite decision-making but there are risks and trade-offs with these processes (e.g. restrictions on public participation). Accordingly,

¹ Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010, Canterbury Earthquake Recovery Act (CERA).

² i.e. separation of executive, legislature and judiciary functions.

any fast-track process should be reserved for projects that deliver genuine significant national and regional benefit.

- **Benefit must be considered through a broader lens** – In addition to economic benefit, environmental, social and cultural benefit should be incorporated into the system. Priority should be given to achieving long-term outcomes over short-term gain.
- **Projects that pose significant risk of harm to high-value environments or people should be excluded from Fast-Track processes.** Some activities have the potential to cause harm to high-value environments or to compromise Aotearoa / New Zealand's transition to a low-energy, climate resilient future. Projects involving mining or exploration of fossil fuels on Conservation Land or in the coastal marine area should be excluded.
- **Persons or parties impacted by proposals must have an opportunity to comment on proposals.** Projects considered through the Fast-Track process have the potential to infringe on private property rights, impact the quality of the environment, or restrict access to public resources and space. Participation provisions need to recognise this and provide opportunity for meaningful input.
- **Development and infrastructure needs to be co-ordinated with delivery and funding of services.** New developments (e.g. housing) will require Council services. In the context of the Council's functions this include public transport and flood management infrastructure. Development needs to be sequenced and occur in lock-step with delivery of services.
- **Applications to use the Fast-Track pathway should be subject to the same checks and balances.** A single fast-track pathway modelled on the "referred pathway" is preferable to the 'three-pathway'³ process set out in the Bill. A single pathway ensures all proposals are treated equitably and evaluated against the same criteria.
- **Applicants should be incentivised to put their best foot forward when lodging applications.** Checks and balances should be included in the Bill to require early consultation and complete applications. Robust applications will lead to efficiency gains later in the process.
- **Costs associated with implementation and administration must be fully recoverable.** Applications must be fully cost-recoverable, and Councils must not be required to cross-subsidise private projects.

Canterbury / Waitaha

9. Canterbury / Waitaha is a unique and special place. The region lies within the takiwā of Te Rūnanga o Ngāi Tahu, with ten of the 18 Papatipu Rūnanga that form part of Te Rūnanga o Ngāi Tahu located within the regional council boundaries. As mana whenua, iwi and hapū have responsibilities (e.g. kaitiakitanga for te taiao) and rights (e.g.

³ The three pathways are set out in clause 11 of the Bill:

- **Listed Projects (Part A of Schedule 2)** – projects that are automatically proceed to an expert panel for consideration.
- **Listed Referred Projects (Part B of Schedule 2)** – projects that are referred to Joint Ministers for a decision on whether the fast-track process can be used.
- **Other Referred Projects** – projects not listed in the Bill. Applications may be made to the Minister for a decision on whether the fast-track process can be used.

recognition of rangatiratanga as guaranteed under the Ngāi Tahu Claims Settlement Act 1998).

10. Many rare and unique species call Canterbury home (e.g. black stilt/kakī, Hector's dolphin, mudfish/kōwaro). Our region also features iconic landscapes and seascapes, and world-renowned braided rivers systems. However in some areas, the impacts of climate changes (e.g. drought, sea-level rise) are increasing risks to vulnerable species.
11. As a region Canterbury contributes \$44 billion to the national economy (roughly 12% of GDP). In urban centres, key industries include healthcare, retail, manufacturing, construction and professional services, while in rural areas agriculture forms the backbone of the economy, contributing \$2.8 billion to regional GDP.
12. Consequently, for a Fast-Track system to work for Canterbury, it must be designed in a way that takes into account our regional and local context. Systems and processes need to encourage evidence-based decision-making, include a focus on long-term outcomes, and enable appropriate levels of participation.

Council functions, roles and responsibilities

13. The Canterbury Regional Council is responsible for managing the largest region in New Zealand. As a council, we have statutory responsibility for a broad range of functions under different Acts including:
 - general functions under section 30 of the Resource Management Act (e.g. integrated management of natural and physical resources; maintenance and enhancement of ecosystems).
 - consenting, compliance and enforcement functions under the Resource Management Act (1991).
 - public transport functions under the Land Transport Management Act.
 - watercourse and flood infrastructure and management functions under the Soil Conservation and Rivers Control Act.
 - navigation safety functions under the Maritime Transport Safety Act.
14. Projects requiring authorisation under Fast-Track legislation will intersect with many of these functions. Accordingly, the system must anticipate and account for the following risks:
 - less integrated delivery of development and services (e.g. housing developments that occur out-of-step with delivery of services (e.g. public transport)).
 - increased exposure of communities to natural hazards (e.g. where developments proceed in high hazard areas).
 - financial risks (e.g. potential loss of financial investment in biodiversity initiatives carried out on private or leased land, if covenants can be removed).
 - risks to achieving sustainability objectives
 - operational / legal challenges relating to consenting and compliance and enforcement functions.
15. Some risks can be mitigated through improved decision-making criteria. For example, criteria to require decision-makers to promote integrated development and delivery of services and to consider cumulative effects of multiple fast-tracked projects on a region's ability to achieve long-term environmental, social and economic goals.

16. For others, clear processes are needed to guide operational decisions and minimise legal risks. For example, provisions that provide clear direction to consent authorities on how competing applications for allocatable resources should be managed when lodged under different statutes (i.e. applications lodged under the RMA vs applications lodged under the Fast-Track legislation) and processes that allow for a review of draft consent conditions to ensure they are fit-for-purpose in the context of a council's compliance and enforcement functions.

System Efficiencies

17. Much of the sluggishness of the current RMA system arises from factors outside the Council's control. A trend for increasing centralised regulation (e.g. national environmental standards and regulations) has resulted in duplication with regulations in Council plans. The knock-on impacts include increased cost and time for consent applicants, and more complex decision-making and resourcing challenges for Councils.
18. While the Fast-Track Bill will deliver some projects faster and at reduced cost, a broader conversation is needed on how to improve the efficiency of the RMA. The upcoming review into the resource management system is an opportunity to take a fresh look at what changes are needed to streamline processes whilst preserving opportunities for public participation and delivering improved outcomes. For the Council, resource management reform continues to remain a high priority and we look forward to future conversations with the Government as it progresses its work programme.
19. One of the major advantages of the Fast-Track Bill is the 'one-stop-shop' process which allows all applications to be considered together. A single decision-making process should help improve system efficiency and support holistic and integrated decision-making. Other changes that would improve the system include:
- replacing the 'three-pathway process' with a single fast-track pathway modelled on the "Referred Project" Pathway. While the 'referred' pathway process includes some additional steps (e.g. consultation with parties prior to lodgement of an application), the pay-off is a more complete understanding of the impacts of a proposal, leading to more robust decision-making and reduced potential for judicial review.
 - single-stage decision-making process. Expert panels should have responsibility for making the final decision on an application. A single-step process (rather than the two-step "panel recommend, Ministers decide") would be faster and help avoid perceptions of political bias in decision-making.
 - invite written comments from a wider range of parties early in the process. The Council's experience operating under similar fast-track legislation is that early consultation with parties helps surface all potential issues, leading to faster decision-making later in the process.

Fast-Track Opportunities

20. As a service provider, the Council is responsible for functions under a range of different statutes. For many of these services, approvals are required under the Resource Management Act (e.g. discharges associated with weed control; disturbance of the bed of river associated with flood management activities; water takes associated with creation of wetland systems). Costs associated with obtaining authorisations for these activities are often high due to the complexity of proposals, the sensitivity of the environment, and procedural elements relating to public notification and hearing processes.

21. From the Council's perspective, the Fast-Track Bill is an opportunity to deliver projects at lower cost, with the benefit of better value-for-money for communities and ratepayers. However, to fully utilise the Fast-Track opportunity, the eligibility criteria need to be expanded to provide a pathway for Council-initiated projects that deliver a 'public-good' or 'public service benefit'. We comment later on this in our submission (refer paragraph 48).

Democratic Process / Separation of Powers

22. Principles of representative democracy, free and fair elections, parliamentary sovereignty and separation of powers are fundamentals of New Zealand's democratic system.
23. The last of these (separation of powers) acts as an important check and balance on the system by ensuring power is not concentrated within any single branch⁴ of Government. This in turn promotes public confidence through impartial and independent decision-making.
24. The Fast-Track Bill proposes a departure from these established principles, by extending Ministers in the executive branch of Government the power to propose laws and make decisions on applications. This blurring of powers poses risks to the legitimacy of the Fast-Track process and a better approach would be to make Expert Panels responsible for decisions on applications. This arm-length separation would help avoid perceptions of bias and political interference and lead to greater public confidence in decisions.
25. The decision to include an unpopulated placeholder schedule of 'listed' and 'referred' projects also risks diminishing public confidence in the process. The Council understands the list of projects will be set out in an Amendment Paper, introduced to Parliament after the Bill is referred back to the House. This provides no opportunity for submitters to comment, and a better, more transparent process would be to delete Schedule 2 in its entirety and to instead require projects to be evaluated against criteria set out in the Bill.

Bill Purpose

26. Purpose statements perform a critical function in legislation by setting out the overall aims of a statute. Well drafted Purpose statements act as a touchstone for decision-making, ensuring line-of-sight between aspiration, intent and implementation of the Act.
27. The Purpose of the Fast-Track Approval Bill is taken into account at two critical decision points:
- it is considered by joint Ministers when making a decision on whether to refer a project through the Fast-Track process;
 - it is considered by joint Ministers when making the substantive decision on whether to approve a proposal.
28. Given its importance, the Purpose needs to go further than simply stating the efficiency objectives of the Bill. Changes should be made to require infrastructure and development projects to promote environmental, cultural and social well-being, to ensure a framework that delivers broader outcomes.

⁴ The three branches of government are **the executive** (Cabinet and Ministers outside of cabinet who are responsible for proposing policies and laws; **the legislature** (Parliament who are responsible for passing laws; and **the judiciary** (Courts responsible for implementing the laws).

Te Tiriti o Waitangi, Treaty Settlements, rights and interests of mana whenua

29. Recognition of te Tiriti o Waitangi, Treaty settlements and customary rights are accepted constructs of most contemporary legislation. These provisions recognise the Crown has obligations under Te Tiriti and that decision-makers must uphold these when exercising powers and functions.
30. The Fast-Track Bill offers limited recognition of mana whenua and te Tiriti o Waitangi, and provisions in the Bill need to be bolstered. A general clause should be added to require all persons exercising functions and powers to uphold te Tiriti o Waitangi.
31. Changes should also be made to Clause 6 to strengthen recognition of Treaty settlements. Persons exercise functions and powers should be required to “uphold” Treaty settlements, rather than merely act in a way that is “consistent” with these arrangements. The choice of language is important. The Bill needs to reflect the intent and spirit within which these agreements were entered into and recognise Treaty settlements for what they are – instruments that recognise past wrongs by the Crown, and which provide redress in the form of an apology and cultural and financial compensation.
32. To deliver on the Crown’s obligations, the Bill needs to translate high-level aspiration into concrete action. In the context of the Ngāi Tahu takiwā, opportunities and processes need to be incorporated into system to enable expression of rangatiratanga as guaranteed under the Ngāi Tahu Claims Settlement Act and Deed of Settlement.
33. On this point the Council strongly urges the Crown to engage directly with Ngāi Tahu on mechanisms that will meet the aspirations of mana whenua. Areas for change that could be explored in consultation with Ngāi Tahu include:
 - requiring applicants to undertake meaningful consultation (not just engagement) with mana whenua on all proposals prior to lodgement through the Fast-Track process.
 - requiring applicants to take into account te Tiriti o Waitangi when preparing applications.
 - extending timeframes for mana whenua to comments on proposals. Ten working days is too short and fails to recognise kōrero or hui that may be needed for mana whenua to form a collective view on a proposal. This should be extended to at least 15 working days.
 - including mechanisms that enable mana whenua to recover costs when providing advice or services. Cost-recovery mechanisms should mirror those provided to local government to ensure mana whenua are compensated for their time and expertise.
 - deleting clause 5(3) of Schedule 3 of the Bill (which relates to the use of “modified arrangements⁵”) and which directs that “Treaty Settlement Entities or iwi authorities to not unreasonably withhold their agreement to a modified arrangement”. Directing a partner to ‘not withhold agreement’ is inconsistent with principles of partnership and tino rangatiratanga.

⁵ Schedule 3, cl5 sets out procedural arrangements that must be followed when appointing decision-making bodies for hearings. Schedule 3, Cl 5(2) requires the convenor of an expert panel to comply with arrangements in the Treaty Settlement Act or iwi participation legislation, but allows for the use of ‘modified arrangements’ where agreement has been reached with the relevant Treaty settlement entity or iwi authority.

Public participation

Consultation / Written Comments on proposals

34. Public participation is a central tenet of democratic process. It is the mechanism by which citizens exercise their views and the process by which decision-makers gain an understanding of a community's needs.
35. Clause 16 of the Bill sets out general requirements relating to engagement. The clause attempts to strike a balance between public participation and efficiency by specifying groups applicants must "engage" with before lodging an application for a referred project.
36. Listed parties include local authorities, relevant iwi and hapū, Treaty settlement entities and applicants for Customary Marine Title. Private property owners, and groups that represent an interest greater than the public, are not listed in clause 16, but must be consulted for applications that require resource consent.⁶ Changes should be made to require consultation with these groups by default. Additional changes that should be made include:
- requiring applicants to "consult" rather than merely "engage" with groups on proposals.
 - requiring applicants to summarise feedback provided by consulted parties, including any mitigations proposed to manage environmental impacts.
 - extending consultation requirements to all proposals, not just those lodged through the 'referral pathway'.
 - extending timeframes for written comments from 10 working days to at least 25 working days.

Public hearings

37. Public hearings provide an opportunity for submitters to present evidence in support of their case. Evidence presented at a hearing often informs the substantive decision (i.e. whether to approve or decline an application) and the types of mitigations applied if consent is granted.
38. However, public hearings can add cost (time and money) to the process and a hearing may not be warranted in all instances. The Council therefore supports the proposal to make Expert Panels responsible for deciding if a public hearing is needed. This will enable decisions to be made on a case-by-case basis, taking into account the nature of the proposal, the potential effects and benefits and parties impacted.
39. Given the complexity of the proposals, changes should be made to extend the amount of advance notice given to parties, when a hearing is required. Five working days is too short (particularly if evidence is required) and the timeframe should be extended to at least 15 working days.

Cost Recovery

40. The Council supports clauses in the Bill that enable local authorities to recover costs associated with exercising or performing functions. These include:

⁶ Schedule 4, Clause 12

- the ability to recover “actual and reasonable costs” relating to the appointment and provision of services to expert panels (Schedule 3, Clause 14) and any processes relating to approvals under the RMA (Schedule 4)
 - requirements for applicants to pay estimated costs, in advance of agencies exercising functions, powers and duties (Schedule 3, Clause 14).
 - the ability to suspend the processing of a consent application, if payment has not been made for recoverable costs (Schedule 4, Clause 8).
 - allowing local authorities to set and recover a “reasonable charge” for the supply of information to the EPA (Schedule 4, Clause 9(5)).
41. However, changes should be made to clarify cost-recovery provisions for compliance and enforcement functions carried out for activities approved under the Fast-Track Act. Schedule 4, Clause 45 states “*a local authority that, but for this Act, would have had responsibility for granting a resource consent under the RMA has all the functions, powers and duties....., as if it granted the resource consent itself*”. The inference is a Council may recover costs for compliance action taken under the RMA, however this should be made more explicit.

Eligibility Criteria

Entry criteria

42. The eligibility criteria in the Bill act as a gateway for deciding which proposals can access the Fast-Track process. As drafted, the eligibility criteria in Clause 17(2) apply only to ‘referred projects’, with “listed projects” automatically accepted into the process. Consistent with the Council’s earlier feedback, all applications should be treated in the same manner and subject to the same criteria.
43. The Council considers the criteria in Clause 17(2) are generally appropriate, however joint Ministers should be required to also take into account risks, benefits or disbenefits of using the Fast-Track pathway (relative to standard processes) when making their decision.

Significant regional or national benefit

44. To avoid overwhelming the system, criteria for ‘significant regional or national benefit’ need to be set at a high bar. Clause 17(3) sets out matters to be taken into account by Ministers when making a decision on whether an application meets this threshold.
45. Included in the list are policy considerations (e.g. the extent to which an activity supports mitigation or adaptation to the effects of climate change, or addresses significant environmental issues) and types of activities (e.g. aquaculture, primary industries, development of natural resources, petroleum). Cherry-picking activities that *might* provide significant regional or national benefit should be avoided and the list limited to a set of policy considerations.
46. Proposals that provide an economic benefit are explicitly provided for in the Bill, but changes should be made to expand the criteria to include activities that provide social, environmental or cultural benefit⁷. This will ensure a pathway for activities that offer non-monetised benefits, and/or a public good benefit (e.g. environmental enhancement initiatives). Activities that promote community resilience, preserve cultural heritage or

⁷ Economic benefit is already covered in the list

promote economic opportunities for mana whenua should also be considered for inclusion.

Ineligible activities

47. The Council supports the proposal to exclude specified activities (e.g. mining, petroleum exploration) from areas of high-ecological value (i.e. within scientific reserves, wilderness areas, marine reserves, in national parks, and in nature wildlife sanctuaries).
48. However, exclusions for mining and exploration of fossils fuels should be extended to Conservation land and the coastal marine area, given the potential for significant impacts on ecosystems, and implications for climate change outcomes.

Information requirements for applications

49. The Council supports Clause 14 which sets out matters that must be addressed in all applications lodged through the 'referred pathway'. However, as noted earlier in our submission these requirements should apply to all proposals, irrespective of the pathway used.
50. The list of information requirements for consent applications (Schedule 14, Clause 12), is generally appropriate. The requirement to assess an activity against s5, 6 and 7 of the RMA is supported, but a change should be made to also require proposals to be assessed against te Tiriti o Waitangi. The list of matters required to be covered in the 'assessment of environmental effects' is appropriate and should provide a sound basis for understanding the actual and potential effects of an activity.

Expert Panels

Skills, knowledge and expertise

51. The Council supports requirements for panels to have expertise in matters relevant to the Purpose of the Act, matters specific to the project, te Tiriti o Waitangi, conservation expertise (if appropriate) and an understanding of tikanga Māori and mātauranga Māori.
52. Alongside these matters, the Bill should require panels to have an understanding of the regional and local context, and to have expertise in the management of natural and physical resources. Use of panels with cross-disciplinary skills should be promoted to ensure panels with skillsets across a broad range of areas.
53. Chairs of Expert Panels will need to have expertise in a broad range of legislative and process-related matters. The Council suggests the requirement for the Chair to be either "a suitably qualified lawyer or planner with experience in relevant law", should be replaced with a requirement for Chairs to be certified under the "Making Good Decisions – Chair Certification" course. Many of the skills gained under this certification will be relevant and transferable for non-RMA applications.

Membership of panels and appointment processes

54. A sound understanding of the local context and implications of decision-making is critical for decisions that deliver outcomes for communities and mana whenua.
55. The proposal to require panels to include one person nominated by the relevant local authority, and one person nominated by the relevant iwi authority, is supported by Council, as is the flexibility to appoint elected, or non-elected members.

56. Projects considered through the fast-track pathway are likely to be complex, with effects that extend across jurisdictional boundaries (regional, district, takiwā and rohe). The proposal to cap the size of the panel to four members⁸ seems an unnecessary restriction and should be deleted. The Panel Convenor should instead determine the size of a panel taking into account the matters listed in Schedule 4, Clause 3(6)⁹.

Assessments of applications

57. Clear criteria that sets out the weight to be given to matters is critical for efficient decision-making. The Council supports the inclusion of “weighted list”¹⁰ of matters to guide a panel’s assessment of an application. The following additional criteria should be included to ensure panels consider all relevant matters when evaluating proposals:

- Te Tiriti o Waitangi
- national or regional strategies (e.g. biodiversity strategies or actions plans, or sustainable development goals)
- targets in Emissions Reduction Plans
- the contribution of an activity to economic, social, cultural, environmental well-being
- actual and potential effects of the activity.

Decisions on applications

58. Given drivers for improved efficiency and reduced cost, a single-stage decision-making process (where expert panels make the final decision) is preferable to the two-stage process¹¹ set out in the Bill. In addition to benefits of improved transparency and public confidence in decisions, a single stage process would help avoid bottlenecks in Ministerial decision-making.
59. Robust criteria should be included to inform a panel’s decision on when applications must and may be declined. As drafted, Schedule 3, Clause 1(3) states a panel may recommend a decline if any mandatory requirements are not met. However, as these are “mandatory” (i.e. obligatory) requirements, the “may” should be changed to a “must”. Other circumstances under which a consent must be declined should include:
- that the proposal would not achieve the Purpose of the Act.
 - that the activity would result in significant adverse effects on the environment or people that cannot be avoided or mitigated.
 - the activity would, or is likely to, result in loss of endangered, threatened or at-risk flora or fauna.
 - that activity would result in an intolerable risk to human life.
 - that approving the activity would significantly increase the risk of maladaptation to the effects of climate change.

⁸ 4 members

⁹ criteria include any circumstances unique to a district or region, number of applications to be considered, nature and scale of the application; matters relevant to iwi participation legislation; collective knowledge and experiences.

¹⁰ Purpose of the Fast-Track Act, Purpose of the RMA (s5); Matters of national importance in s6 of the RMA, Other matters of relevance in s7 of the RMA; national direction, operative and proposed policy statements and plans; iwi management plans; mana whakahono a rohe, joint management agreements; matters in s104 and s107 of the RMA.

¹¹ The two stage process set out in the Bill involves Expert Panels making a recommendation on the proposal, with joint Ministers making the final decision.

- that approving the activity would result in out-of-sequence, or unintegrated delivery, of infrastructure and services.
- that the activity will not deliver significant national or regional benefit.

Timeframes for reports and recommendations

60. Projects considered through the Fast-Track approval pathway will likely require approvals under broad range of statutes. The nature of issues at-hand are likely to be complex, with implications for a broad range of functions, receiving environments, and community outcomes.
61. As drafted, the Bill requires an expert panel to issue its recommendation and report within 25 days¹² of receipt of any written comments. This timeframe is short, particularly if a hearing is needed. Changes should be made to require publication of the report and recommendations either 25 working days after written comments are received, or 25 working days after the conclusion of the hearing, whichever is the later.

Resource Consents and Draft Conditions

62. The Council supports Schedule 4, Clause 38 which requires Expert Panels to provide a copy of the draft consent conditions to the consent applicant and any person who provided written comment on the application.
63. However, changes should be made to include local authorities in the list of parties to be provided with a copy of the draft conditions. Local authorities can provide a regulator's perspective on consent conditions, and offer insights on changes needed to ensure conditions are monitorable and enforceable, appropriate to the regional or local context, and aligned to the sustainable goals of a region.

Appeals on decisions

64. The Canterbury Regional Council has considerable experience working under fast-track legislation to expedite the development of regional planning documents. Under the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010, appeals on plan decisions were restricted to the High Court, on points of law. Our learning from this process are that:
 - early consultation is critical to ensure parties have genuine opportunities to have their say on proposals that will affect them.
 - restricted appeal processes can deliver cost and time savings, with benefits that plans are made operative sooner, and implemented faster.
65. While the legislative context differs, these same principles apply to fast-track consenting processes. Where appeal rights are restricted, there is an even greater need to ensure genuine opportunities for public participation at the earliest stage of the process. On that basis, the Council supports clause 26(1)(e) which provides for persons who have an interest "greater than the general public" to appeal decisions. However from an efficiency perspective it makes sense to enable participation by these parties earlier in the process (i.e., at the point the application is referred to an expert panel). Early engagement has benefits of more robust decision-making with reduced potential for litigation and reduced cost.

¹² Schedule 4, Clause 39(3)(a)

66. Timeframes to lodge appeals on decisions should be extended from 15 working days to 25 working days. Longer timeframes are justifiable given decisions will cover multiple approvals under multiple statutes, and additional time is needed to understand the implications of a decision.

Transition and Implementation

67. Finally, the Council considers further consideration needs to be given to mechanisms to support smooth implementation of the Fast-Track system.
68. Councils in particular are likely to face an extra draw on resource, with staff required to provide pre-application advice, review applications, and provide written comments. Staging and sequencing of fast-track applications will be critical to avoid bottlenecks in the system, and Councils will need sufficient lead-in time to build capacity and ensure resource is available, as and when required.