



Kaipara te Orangakui

**KAIPARA
DISTRICT**

Two Oceans Two Harbours

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Kaipara District Council Submission on Fast-track Approvals Bill

Dear Ministers,

Introduction

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

The Kaipara District covers a vast area of land between the east and west coasts of Northland and while not technically part of our district boundaries, adjoins the largest harbour in the Southern hemisphere, the Kaipara Harbour.

Council's adopted vision (Kaipara – The place to be!) and our outcomes have a strong focus on encouraging economic development and growth. Thanks to our geography and land mass, Kaipara is very well placed to take advantage of being located on the doorstep of Auckland, its resources and population.

Council wants to facilitate and activate growth in our district, attracting new people to move to the Kaipara, setting up their businesses and lives, contributing to positive economic development for our community. To this end, we strongly support the intent of the Bill to create a 'one-stop-shop' to support the efficient delivery of infrastructure and development projects with significant regional and national benefits.

We also acknowledge that there is often significant delay with regionally and nationally significant projects 'navigating' their way through the current (often multiple) levels of consenting requirements. We are therefore hopeful this process can create a framework to genuinely speed up the delivery of significant development and infrastructure proposals.

Our submission is outlined below.

Submission

1. Purpose of the Bill

Council acknowledges the purpose of the Bill to provide a streamlined decision-making process to facilitate the delivery of infrastructure and development projects with significant regional or national benefits. Council strongly supports the intention of this new legislation - to seek a more efficient approval process for projects of significant infrastructure or development projects.

Council considers that the process should allow for innovative approaches to managing environmental effects and setting conditions to be explored and adopted (if appropriate). Considering the full suite of regulatory approvals through a single process, with an overriding purpose, should allow greater scope for innovative solutions. This is therefore supported.

2. Decision Making Processes

As drafted, the final decision to grant or decline applications sits with the Joint Ministers (after considering the Expert Panel's recommendations). Council believes that to improve the local decision-making process (and to add local contextual information), it would be beneficial for the Mayor (of the District/City Council) to have the ability to approve all Fast-Track proposals (alongside the Joint Ministers) within their district – if they request to be involved in the process.

We therefore recommend that the Bill is amended to enable the Mayor to have the ability to grant or decline applications (alongside the Joint Ministers), if the Mayor requests involvement. The process needs to include a step for the Mayor to decide if he/she wants to be involved in the final decision making stage.

3. Timeframes for providing comments on projects

As proposed, the process enables Councils to provide comment on both listed and referred projects. While this is supported, we are concerned at the 10-working day timeframe for Councils to make comments on projects. By their nature, these largescale projects will be of 'national or regional' significance and have substantive technical evidence that will require considerable staff time to assess, provide commentary and potentially co-ordinate a cross Council response.

We therefore recommend that the timeframe for Councils to provide comments is amended to 20 working days. This more appropriately reflects the time required for Councils to give due consideration to these projects.

4. Cost recovery provisions

Council strongly supports the proposed cost recovery provisions. As drafted, the Bill provides for Councils to recover costs from the Environmental Protection Agency for supplying information in relation to current or anticipated applications (Schedule 4, clause 9) and from any applicants for Schedule 3 and 4 processes (Schedule 3, clause 14). The inclusion of these cost recovery mechanisms in the legislation are necessary and welcomed.

We recommend that the cost recovery provisions are extended to enable Councils to recover any costs from an applicant for pre-engagement consultation required under Clause 16.

5. Expert Panel

Council believes that role of the Expert Panel will be crucial to ensuring that referred projects are assessed in a timely manner. We strongly support that one panel member must be nominated by the relevant Council (as this is very important for local context). However, further clarity would be

appreciated on the proposed role and function of the Expert Panel, including level of remuneration and time commitments for panel member and 'who' funds the Panel.

Council considers that it could be 'challenging' for the Panel to include one person nominated by the relevant Iwi Authorities, especially if projects or proposals span/cross the boundaries of more than one Iwi Authority.

Further to this point, Council considers it inappropriate that the Bill gives a much greater priority to the rights of iwi than to the rights of other ratepayers and residents in our district. The word "iwi" appears 56 times in the Bill, and the proposed four-person panels by which projects are to be evaluated are to include one person nominated by the relevant local authority and one person nominated by the relevant iwi. This apparent equivalence between local authorities and iwi authorities seems to us totally inappropriate, and is likely to result in the concerns of Maori residents and ratepayers being given a disproportionately greater weight than the concerns of other ratepayers in our district.

During the election campaign, both the ACT Party and the New Zealand First Party made much of their commitment to equal citizenship. In the coalition agreements which both parties signed with the National Party in the process of forming a government, there were numerous quite specific promises to eliminate the racial preferences which have crept into New Zealand law in recent years. The National Party's constitution includes a specific commitment to "equal citizenship", and of course it too was a party to the two coalition agreements which enabled the formation of the new Government.

In approving any new investment project under this Fast-track Approvals Bill Ministers must be mindful of the property rights of those New Zealanders who could be affected by the new project. Council's position is that this principle should apply to all ratepayers and residents, whatever their ethnicity. As drafted, the Bill fails to acknowledge that principle.

6. *Schedule 4 – RMA Approvals Process*

Council considers that the Bill should provide the ability for Councils to determine the standards for any part of a project that are to be vested in the Council (as Councils have design standards for utilities). These ensure they are constructed to an adequate standard and do not shift undue costs from developers to ratepayers. If projects involve services that are intended to be vested in Councils (roads, parks, wastewater, reticulated water etc), then conditions for approvals should be set by the relevant Councils standards.

7. *Impacts of Fast-Track approvals on Council infrastructure*

Further to the point above, Council considers that approvals and consents under the fast-track process could have significant implications on Council infrastructure – both now and in the future. It is therefore fundamental that in both the referral process and the substantive decision-making process, decision makers must consider the impacts of proposals on Council infrastructure – both in terms of serviceability and standard.

The process needs to have sufficient capacity to consider whether proposals align with local infrastructure planning (identified in plans such as Long-Term Plans or Infrastructure Strategies). There is a risk that the fast-track process could result in proposals being approved in areas that cannot be reasonably serviced or do not align with infrastructure planning at the local level.

Where it can be demonstrated that fast-track developments can be reasonably serviced or are consistent with local direction, we consider that any infrastructure required for fast-track developments that will vest in or be managed by Councils, be built to standards required by Councils.

This can be achieved if the conditions of consent require those assets to be constructed to the Council's standards. If Councils do not have this discretion and infrastructure is not built to the required standards, there could be significant implications and costs for Councils both in the short and long term.

8. Conclusion

The Council appreciates the opportunity to submit of this Bill. As outlined earlier in the submission, we do support the intent of the Bill and we look forward to further discussion with the Government and its agencies around the implementation of the Bill.

Please note that Council consents to our submission being published. For clarification on any points in this submission, please contact Michael Day (General Manager: Engagement and Transformation) mday@kaipara.govt.nz



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16 April 2024



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16 April 2024



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16 April 2024