Appendix 1 - Christchurch City Council detailed submission on Fast-track Approvals Bill

Clause	Topic	Submission
General comment	Conflict of interest	There should be a requirement for Ministers to not be involved if they have a conflict – for example, the Minister who has responsibility for the utility subject to a notice of requirement application.
General comment	Compatibility with underlying zoning	It is in the interests of the fast-tracked developments, once consented, that the underlying zoning in the District and Regional Plans is amended to be consistent with the approved development. We consider there needs to be a process to resolve any misalignments with District Plans resulting from approvals under the fast-track process. We recommend that where a consented development results in a plan misalignment, if there is agreement from the relevant local authority, a streamlined approach to re-zoning should be available. The costs of any re-zoning resulting from the misalignment must be recoverable for local authorities.
General comment	Lapsing and staging	Projects such as implementation of the Ōtākaro Avon River Corridor Regeneration Plan in Christchurch are delivered in stages over several decades. There ought to be provision for a single approval process to allow those stages, without lapsing of stages that have not been implemented.
General comment	Monitoring and reporting	The Act should include a requirement for the Ministries to monitor the benefits, costs, and effects of project implementation under the Act.
6	Te Tirii	Should require acting consistent with Te Tiriti (the same submission applies to all clauses that refer to "Treaty settlements").
16	Consultation before applicants' lodge referral applications	We support the requirement for applicants to consult with local authorities but there should be provision for councils to charge applicants for that.
17(2)	Eligibility criteria	Specify whether the list is exclusive. Are they "considerations" or "criteria"? There should be clear prioritisation among the considerations – achieving "significant regional or national benefits" should be a paramount requirement, not just one consideration among 5. It is unclear whether they all need to be satisfied, or one only, or a mix. As Ministers must decline an application if the application "does not meet the criteria in section 17", these need to be clear objective criteria, not discretionary considerations.
17(3)(c)	Eligibility criteria for "significant regional or national benefits"	Item (c) being "will increase the supply of housing, address housing needs" is too broad. It is unclear what scale of development would be considered to have significant regional or national benefits.
19(5)	Providing comments to Ministers about applications	10 working days is unworkable. These will be complex applications with extensive detail. It should be at least 20 working days.

21(2)	Ministers' discretion to decline applications	The discretion includes if "the project may have significant adverse effects on the environment". This attention to significant adverse environmental effects should be elevated to an amended purpose section that strikes a better balance between providing for development and managing adverse effects for current and future generations.
"	"	Add a requirement to decline the application if the project hinders achieving the nation's ***emissions*** targets.
21(3)	Ministers declining applications before getting full information	The ability for Ministers to decline applications before getting reports, inviting comments and seeking further information should be deleted. The current approach does not support good decision making.
23(1)(b)	Ministers' ability to give directions when they accept applications	It is premature for the Ministers to have the ability to set restrictions at this stage prior to the Panel considering the application.
25(4)	Ability for Ministers to depart from the Panel recommendations	Council supports the bar on the Ministers' ability to deviate from the Panel's recommendations unless they have undertaken analysis of the recommendations and any conditions in accordance with the relevant criteria. However, there should be increased constraint on their ability to depart from the Panel's recommendations. There should be requirements (rather than it being discretionary) for the Ministers to seek further comment from the Panel, commission additional advice, and seek comments from any affected people.
25	Absence of requirement for Ministers to give reasons for decisions	There ought to be an express requirement for Ministers to produce decision reports that record their reasons for approval, approving in part, or declining.
27(7)	Joining as a party to appeals on point of law	10 working days for joining as a party is too short. It should be 15 working days.
Schedule 3	**Expert Panel**	
3	Membership of Panels	Support 1 being appointed by local authorities and 1 by iwi authorities
4	"	Support Chairperson being a planner/lawyer.
10	Panel procedure	Support that it be "without procedural formality", and that the Panel can appoint advisors.
		Support that the Panel may appoint special advisors and technical advisors; however, applicants and people who make comments should be able to see and comment on the advice from the Panel's advisors.
		There ought to be express provision that Panel members avoid conflicts of interest.
14	Local authority cost recovery from the applicant	Supported.
Schedule 4	**RMA approval process**	

2(3)	Change or cancellation of conditions	This unduly limits the ability to change or cancel conditions by requiring that to be with a new application under this Act, rather than under standard RMA process. That is a barrier to making changes to address changed circumstances.
12(d)	Information in consent applications	Requires names of "adjacent" owners and occupiers. Clarify whether "adjacent" means solely adjoining boundaries, or whether it goes wider.
12(g)	Assessment against purpose of the RMA	Should include section 8 of the RMA – principles of the Treaty.
13	An application's assessment of effects on the environment	There should be an express requirement that this includes emissions and other climate change considerations. Item (g) regarding natural hazards should include the risk to the proposed activity itself, not solely the hazard that the proposed activity creates for the environment around it.
16	Notices of Requirement for Designations	There is no requirement for an assessment of adverse effects on the environment. There should be.
20	The requirement for the Panel to invite written comments	We support the Panel being required to invite comments from local authorities and iwi authorities on listed projects and referred projects; however, the same submission point as above regarding inviting comments from those "adjacent".
21	10 working day limit for providing written comments	10 working days is inadequate given the complexity and magnitude of the likely listed and referred projects. It should be at least 20 working days.
23/24	Hearing not required	The discretion for the Panel to decide whether to hold a hearing should be removed if at least some parties request a hearing – eg if requested by the local authority or iwi authority.
24(4)	EPA giving a minimum of 5 working days' notice of a hearing	This is insufficient. It should be 10 working days.
32	Panel's (and Ministers') consideration of listed matters with "weight" in accordance with the order of the list	It is unclear how this will work and be applied in light of well-established caselaw on weight under the RMA. With appeals only being on point of law to the High Court, if this is not better clarified now in the legislation, there will be appeals to the High Court to resolve it. There is inadequate weight on environmental impacts, especially endangered species and significant natural areas
"	"	Greater weight should be accorded to strategic direction set in regional and district policy statements and plans.

37 & 40	Conditions	The Act should provide the ability for the Council to determine the standards for any parts of a project that are to be vested in the Council. Councils have design standards for utilities. These ensure that they are constructed to an adequate standard and do not shift undue costs from developers onto ratepayers. If projects involve services that are intended to be vested in the Council – roads, parks, wastewater, stormwater, reticulated water – then conditions for approvals should be set to the council's standards.
38(2)	Panel inviting comments on consent conditions	Support the requirement that the Panel allow people who made comments the opportunity to comment on the Panel's draft consent conditions. The Bill allows the Panel to set a date for that. We submit that the Panel ought to provide at least 10 working days for comments on conditions.
39(3) and (4)	The deadline for the Panel to make recommendations to the Ministers	No later than 25 working days after the date for receiving comments under clause 21 – this is too short for good decision making and discourages Panels from holding hearings. That timeframe should be longer to allow a meaningful opportunity to arrange and hold hearings, followed by deliberations. Panels will be likely to inevitably use subsection (4) to extend it by another 25 working days – but that is still too short for a good systematic hearing process.
39(9)	Approvals lapse in 2 years	This is too short for big projects (is 5 years in the RMA) and there is nothing that says that the RMA provision that allows consent holders and councils to extend lapsing dates applies.
Schedule 6	**Wildlife Act Approvals**	
1(2)	Allows "compensation" for wildlife loss	Compensation is not possible, or appropriate, for impacts on wildlife that cannot be mitigated.