

Friday, 19 June 2020

Duncan Webb MP  
Chairperson  
Environment Select Committee  
Parliament Buildings  
Wellington – 6160

**RE: Submission to the Environment Select Committee on the COVID-19 Recovery (Fast-track Consenting) Bill**

Dear Chairperson Webb and Committee Members,

This submission provides the views of the New Zealand Infrastructure Commission, Te Waihanga (**Infracom**) on the COVID-19 Recovery (Fast-track Consenting) Bill ('the legislation'). In summary, we support the legislation moving to a second reading in the House of Representatives.

Infracom has formed these views following the advice we drafted and provided to the Ministers for Infrastructure and the Environment, the Ministry for the Environment and other agencies during the legislation's policy development process. We thank you for the opportunity, but we do not wish to speak to the Committee regarding this submission.

Infracom believes the measures in the legislation represent a reasonable trade-off between good process and speedy implementation of projects, which can assist in recovery. It will complement the work of the Infrastructure Industry Reference Group to identify infrastructure projects to support New Zealand's post-COVID-19 recovery. It will also support projects that will stimulate employment in hard-hit regions.

We have two specific points we wish to highlight to the Committee.

**Infrastructure-related responses to emergencies**

Infracom would encourage the Committee to consider that this will be the **fourth time in 13 years** that 'fast track' measures have been instituted in response to an emergency situation.

We suggest the Government considers introducing a more enduring solution. First, the Government could consider 'fast tracking' provisions which can be triggered by declaration of an emergency. Second, it could consider 'call in'

powers to deal with large and complex projects of national significance, regardless of whether there is an emergency.

While we understand this matter is out of scope for this legislation, we encourage the Government to consider the need for this at an appropriate point in the future, for example as part of the longer-term Resource Management Review.

### **Environmental threshold**

We encourage the use of existing environmental tests and thresholds contained in the Resource Management Act 1991 ('RMA') for the purposes of the legislation.

Given the aim is to get projects consented quickly, we recommend a key future focus should be on fixing the uncertainty inherent in the RMA, rather than current environmental thresholds.

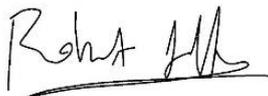
In general, the market is less concerned with the existing environmental thresholds set by the RMA, but more concerned with the uncertainty that the RMA can create.

The uncertainty generally comes from the RMA process, including but not limited to: wide avenues for appeals, broad opportunities for affected and unaffected parties to submit against projects, and broad scope for the judiciary to review certain aspects of proposed projects.

We note this Bill sufficiently addresses these concerns for the legislation's two-year duration.

We thank the Committee for providing us with the opportunity to submit on this matter and are happy to assist the Committee further as it sees fit.

Yours sincerely



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**New Zealand Infrastructure Commission, Te Waihanga**