

**From:** [Lynne Adamson](#)  
**To:** [REDACTED]  
**Subject:** LGOIMA Response re Fast Track  
**Date:** Friday, 6 December 2024 1:11:00 pm  
**Attachments:** [Fast Track LGOIMA attachment .pdf](#)

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Kia ora [REDACTED]

I refer to your email requesting any correspondence any Councillors or staff have had with any MP's, Ministers or central government officials relating to the fast-track itself, or relating to any fast-track projects that fall in our area.

I provide the following response

Please find attached copies of all correspondence the Dunedin City Council has in relation to the fast track projects.

In addition, for your information, a report was presented to the Infrastructure Services Committee meeting on 23 April 2024. This may be viewed on the following link:

[https://infocouncil.dunedin.govt.nz/Open/2024/04/ISC\\_20240423\\_AGN\\_2702\\_AT.PDF](https://infocouncil.dunedin.govt.nz/Open/2024/04/ISC_20240423_AGN_2702_AT.PDF)

Kā mihi



Lynne Adamson

**Mana Whakahaere Kairuruku / Governance Support Officer**  
**Governance Group**

**P** 03 477 4000 | **DD** 03 474 3431 | **E** [lynne.adamson@dcc.govt.nz](mailto:lynne.adamson@dcc.govt.nz)

Te Kaunihera a Rohe o Ōtepoti - Dunedin City Council

50 The Octagon, Dunedin

PO Box 5045, Dunedin 9054

New Zealand

[www.dunedin.govt.nz](http://www.dunedin.govt.nz)

**From:** [REDACTED]

**Sent:** Friday, November 8, 2024 12:57 PM

**To:** undisclosed-recipients:

**Subject:** LGOIMA

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This is a LGOIMA for any correspondence any councillors or staff have had with any MPs, Ministers or central government officials relating to the fast-track itself, or relating to any fast-track projects that fall in your area.

[REDACTED]

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[REDACTED]

**From:** Ministry for the Environment | Jo Gascoigne, General Manager - Resource Management Systems <rmreform@mfe.govt.nz>  
**Sent:** Monday, 14 October 2024 10:30 a.m.  
**To:** Jules Radich  
**Subject:** Release of fast-track projects Independent Advisory Group Report

No images? [View in your browser](#)



14 October 2024

**Tēnā koutou,**

**Government announces listed Fast-track projects.**

The Ministry for the Environment - Te Manatū mō te Taiao is writing to advise you that on 6 October, the Government announced details about 149 projects it has decided to list in the Fast-track Approvals Bill (FTA Bill).

You can find the Government press release, and full list [here](#).

*Projects listed in the FTA Bill*

On 2 August, an independent Projects Advisory Group provided a report to Ministers with recommendations on projects to include in the Bill.

This report has been proactively released and is [available here](#).

The Government considered these recommendations and agreed which projects would be included in the Bill.

The projects will be added to the Bill in November after its second reading.

Being listed in the Bill does not guarantee the necessary approvals will be granted.

The listed projects will follow the same processes as referred projects from the

point at which the substantive application is received. Applicants will still have to make a substantive application to the Environmental Protection Authority and their project will still be assessed under the legislation, once enacted.

#### Next Steps

The Environment Select Committee will report the Fast-track Approvals Bill back to the House of Representatives on 18 October. Once the Committee's report is released, further information about the Bill will be available, including many of the details raised in submissions made by local government.

Ngā mihi,

Jo Gascoigne

General Manager, RM System

Ministry for the Environment | Manatū Mō Te Taiao



Ministry for the  
**Environment**  
Manatū Mō Te Taiao

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8 Willis St  
Wellington, 6011  
New Zealand

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**From:** Jules Radich  
**Sent:** Wednesday, 10 July 2024 05:37 p.m.  
**To:** Chris Morris  
**Subject:** FW: fast-tracking

FYI

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**From:** Grant Miller <[grant.miller@odt.co.nz](mailto:grant.miller@odt.co.nz)>  
**Sent:** Wednesday, July 10, 2024 5:02 PM  
**To:** Jules Radich <[Jules.Radich@dcc.govt.nz](mailto:Jules.Radich@dcc.govt.nz)>  
**Subject:** Re: fast-tracking

Thanks for that.

Grant Miller  
Journalist  
Otago Daily Times  
52 Stuart St  
[www@odt.co.nz](mailto:www@odt.co.nz)  
P: Phone ext 8108 | DD: 03 479 3507 | M: 022 016 1312



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**From:** Jules Radich <[Jules.Radich@dcc.govt.nz](mailto:Jules.Radich@dcc.govt.nz)>  
**Sent:** Wednesday, July 10, 2024 4:48 PM  
**To:** Grant Miller <[grant.miller@odt.co.nz](mailto:grant.miller@odt.co.nz)>  
**Subject:** RE: fast-tracking

Hi Grant

It's been a busy day and I've only just had a chance to read your email and review what I said at the submission.

The submission I presented to the Select Committee on behalf of the DCC was very clear in highlighting concerns about a loss of local decision-making, environmental sustainability, and the impact of fast-track projects on carbon emissions and climate change, as well as other issues.

Our submission was silent on coal mining and oil wells, so when asked a question about both, I replied with an opinion which is consistent with Council's position.

We need a balanced approach, erring on the side of the environment and working to achieve required outcomes, which is exactly what I told the Select Committee. Council's desired outcomes from any project were also very clear in my submission.

I hope that clarifies things for you

Cheers

[Jules Radich](#)

**MAYOR OF DUNEDIN**  
**TE KOROMATUA O ŌTEPOTI**

M 027 432 0382 | E [mayor@dcc.govt.nz](mailto:mayor@dcc.govt.nz)



**DUNEDIN** | kaunihera  
CITY COUNCIL | a-rohe o  
Ōtepoti

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**From:** Grant Miller <[grant.miller@odt.co.nz](mailto:grant.miller@odt.co.nz)>

**Sent:** Wednesday, July 10, 2024 11:16 AM

**To:** Mayor <[mayor@dcc.govt.nz](mailto:mayor@dcc.govt.nz)>

**Subject:** fast-tracking

Hi Jules,

Cr Garey raised concerns this morning about your presentation on the fast-tracking bill on May 27. When answering questions, the mayor made comments that were contrary to the council's submission, she said. Particularly around mining.

Do you concede you misrepresented the council's position or wandered off script?  
Have you looked to correct or clarify your answers to the parliamentary committee?

Regards,

Grant Miller

Journalist

Otago Daily Times

52 Stuart St

[www.odt.co.nz](http://www.odt.co.nz)

P: Phone ext 8108 | DD: 03 479 3507 | M: 022 016 1312



**Otago Daily Times**



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**From:** Grant Miller  
**Sent:** Wednesday, 10 July 2024 03:58 p.m.  
**To:** Christine Garey; Mayor  
**Subject:** Fw: fast-tracking  
**Attachments:** Outlook-h55w1hmx

Cr Garey would be meant here, and it's only just cropped up, but is that a fair point from Cr Whiley?

Grant Miller  
[Journalist](#)  
Otago Daily Times  
52 Stuart St  
[www@odt.co.nz](mailto:www@odt.co.nz)  
P: Phone ext 8108 | DD: 03 479 3507 | M: 022 016 1312



---

**From:** Andrew Whiley <[Andrew.Whiley@dcc.govt.nz](mailto:Andrew.Whiley@dcc.govt.nz)>  
**Sent:** Wednesday, July 10, 2024 3:41 PM  
**To:** Grant Miller <[grant.miller@odt.co.nz](mailto:grant.miller@odt.co.nz)>  
**Subject:** Re: fast-tracking

Hi Grant,

I take it Cr Carey had already emailed or notified the Mayor of her concerns.

If not then I am extremely disappointed in the way Cr. Carey is approaching the issue.

Cheers  
Andrew

Sent from my iPhone



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On 10 Jul 2024, at 2:36 PM, Grant Miller <[grant.miller@odt.co.nz](mailto:grant.miller@odt.co.nz)> wrote:

Hello,  
Any thoughts on the issue raised by Cr Garey about the way the mayor represented the council concerning the fast-tracking bill?  
I'm working on an article for tomorrow's paper.

---

Regards,

Grant Miller

**Journalist**

Otago Daily Times

52 Stuart St

[www@odt.co.nz](mailto:www@odt.co.nz)

P: Phone ext 8108 | DD: 03 479 3507 | M: 022 016 1312

<Outlook-h55w1hmx>



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**From:** Office Of The Mayor  
**Sent:** Wednesday, 10 July 2024 11:26 a.m.  
**To:** Communications  
**Cc:** Sandy Graham  
**Subject:** RE: fast-tracking  
**Attachments:** FINAL DCC Submission on the Fast-track Approvals Bill 23 April 2024.pdf; Key speaking points .docx

Also attached, DCC's submission and the key speaking points provided for this appearance.

Ngā manaakitanga

Jess Dunn

**Executive Assistant to the Mayor of Dunedin**  
M 021 390 856

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**From:** Office Of The Mayor <Office.Mayor@dcc.govt.nz>  
**Sent:** Wednesday, 10 July 2024 11:21 a.m.  
**To:** Communications <comms@dcc.govt.nz>  
**Cc:** Sandy Graham <Sandy.Graham@dcc.govt.nz>  
**Subject:** FW: fast-tracking

FYI below.

Here is a link to the Environment Committee recording: <https://vimeo.com/showcase/10758100/video/950585123>

Ngā manaakitanga

Jess Dunn

**Executive Assistant to the Mayor of Dunedin**  
M 021 390 856

---

**From:** Grant Miller <[grant.miller@odt.co.nz](mailto:grant.miller@odt.co.nz)>  
**Sent:** Wednesday, 10 July 2024 11:16 a.m.  
**To:** Mayor <[mayor@dcc.govt.nz](mailto:mayor@dcc.govt.nz)>  
**Subject:** fast-tracking

Hi Jules,  
Cr Garey raised concerns this morning about your presentation on the fast-tracking bill on May 27. When answering questions, the mayor made comments that were contrary to the council's submission, she said. Particularly around mining.  
Do you concede you misrepresented the council's position or wandered off script?  
Have you looked to correct or clarify your answers to the parliamentary committee?

Regards,

Grant Miller  
Journalist  
Otago Daily Times  
52 Stuart St  
[www.odt.co.nz](http://www.odt.co.nz)  
P: Phone ext 8108 | DD: 03 479 3507 | M: 022 016 1312



23 April 2024

Committee Secretariat  
Environment Committee  
Parliament Buildings  
Wellington  
Via email: [en@parliament.govt.nz](mailto:en@parliament.govt.nz)

Tēnā koutou

## **DUNEDIN CITY COUNCIL SUBMISSION ON THE FAST-TRACK APPROVALS BILL 2024**

### **Introduction**

1. The Dunedin City Council (DCC) welcomes the opportunity to submit on the Fast-track Approvals Bill 2024 (the Bill).
2. The DCC acknowledges the intention of the Bill to speed up consenting processes for nationally and regionally significant projects. The DCC has a number of concerns that it wishes to raise with respect to implications of the Bill for local decision-making and potential impacts for councils in terms of implementation.

### **Discussion**

3. In its current form, the Bill raises a number of questions about how the decision-making process will work for local government. The DCC is particularly concerned about an increased loss of decision-making at a local level, as the proposed Bill expands on the potential number of significant projects that will be eligible for the fast-track approach compared to the previous legislation. In addition, decisions on significant projects will ultimately be made by the joint Ministers rather than by an expert panel.
4. While both options represent a loss of decision-making at the local level, the DCC's strong preference is that the decisions be made by expert panels consisting of members that have experience relevant to environmental management. If, however the Bill retains the approach of the joint Ministers making the final decision, we seek that the Minister for the Environment be included as one of the joint Ministers.
5. As the 'Wildlife Capital' of New Zealand, Dunedin is highly dependent on its biodiversity as a key economic driver. The DCC supports the joint submission from Local Government New Zealand (LGNZ) and Taituarā that notes that "a sole focus on the economic imperative forgets environmental sustainability as the foundation on which economic outcomes depend".
6. The Bill provides the ability for projects to be approved that do not align with either existing national level policy or the DCC's own District Plan and strategies, which have been through full public consultation processes and subjected to a high level of expert input and scrutiny. It is noted that in making its recommendations to the joint Ministers, the expert panel will have to consider firstly the purpose of the Bill - *to provide a fast-track decision-making process that facilitates the delivery of infrastructure and development projects with significant regional or*



*national benefits* - and secondly other relevant legislation such as National Policy Statements under the Resource Management Act (RMA) 1991. This establishes a clear direction for the fast-track legislation to be prioritised over other legislation and could lead to clear conflicts in policy direction and implementation at the local level.

7. The tension between the direction of the fast-track process and its implementation at regional and local levels is also embedded in the referral part of the proposed process. When the joint Ministers are assessing the eligibility of a proposed project and whether it is consistent with the purpose of the Act, they need to consider whether the project has significant regional or national benefits and may consider whether the project:
  - has been identified as a priority by central government, local government or sector plan or strategy (for example, spatial strategy) or as a central government infrastructure priority
  - will deliver regionally or nationally significant infrastructure
  - will increase supply of housing, address housing needs, or contribute to well-functioning urban environment
  - will deliver significant economic benefits
  - will support primary industries, including aquaculture
  - will support development of natural resources (including minerals/ petroleum)
  - will support climate change mitigation, including reduction or removal of greenhouse gases (GHGs)
  - will support adaptation, resilience and recovery from natural hazards
  - will address significant environmental issues
  - is consistent with local or regional planning documents, including spatial strategies.
8. Whether the project is consistent with local or regional planning documents is included in the Bill only as a matter that Ministers *may* consider in deciding whether to refer a project. Similarly, while Ministers may consider whether a project will address significant environmental issues, there is no requirement to consider the principle of sustainable management of natural and physical resources when deciding whether to fast-track a project. The joint Ministers would therefore have the discretion to disregard these aspects in deciding to refer a project, leading to potential conflict between a fast-tracked project and locally developed plans and strategies.
9. It is particularly concerning that there is a specific provision in the Bill that a project including an activity that would be prohibited under a district plan is not necessarily ineligible. This actively undermines the DCC's ability and authority to manage our region and plan for its future as well as potentially rendering any decisions made locally, irrelevant.
10. Another aspect of concern for the DCC is the potential impact of the Bill on mana whenua values, as the analysis accompanying the Bill states that while the Bill requires consistency with Treaty settlements "...the net impacts are likely to be negative for broader Māori rights and interests..."<sup>1</sup>. The DCC does not support the ability to override local decision-making on matters that are important to the health and wellbeing of local communities and the environment.
11. Using the example of climate change, given local government's role in working with their communities to build resilience and adapt to climate change, the DCC wishes to stress the

importance of giving climate change mitigation and adaptation appropriate consideration; not only when Ministers are deciding whether to fast-track a project that addresses any of these issues, but also in assessing all potential projects in terms of emissions and climate change risk. The DCC is concerned that in its current form, the Bill could lead to the benefits of any projects that have an emissions reduction/adaptation focus being essentially 'cancelled out' by other projects, which may increase emissions or increase climate risks to communities in the coming decades. Given that a key purpose of the Bill is to fast-track key infrastructure projects, which often have a lifespan of 50+ years, the DCC considers it critical that elements such as climate change mitigation and adaptation are a key consideration to ensure that future climate risks and emissions are minimised.

12. With respect to the ability of local authorities to have input into the fast-track process, while it is understood that they will be asked for comment where a project is proposed in their area, the DCC is concerned that the ability for councils to respond adequately will be severely hampered by the proposed timeframes for providing input. The DCC submits that 10 working days is not enough time for a proper assessment and the provision of comments, especially on a large, complicated consent where there is more than one type of approval involved and co-ordination is required between a number of different council departments.
13. If the DCC only has 10 working days in which to provide comment, this may impact on the timeframes for applications councils are processing under its ordinary processes and this could put significant pressure on staff time and resourcing. The DCC submits that it will be important to allow adequate time for councils to fully understand the implications of projects in terms of their functions and responsibilities, so that they can provide the best possible advice to the Ministers. The DCC requests an increase to at least 20 days, but preferably 30 days in which to provide comment.
14. The DCC seeks more clarity over how pre-referral comments from local authorities will feed into the decision-making for the fast-track process, including: referral to the expert panel; the recommendation of conditions; and final decision-making. Particularly if timeframes are going to be tight, it will be even more crucial that appropriate consultation is undertaken, and approvals where necessary are sought from the relevant local authority prior to referral. This would mean staff would only need to check that the application is not different to the information previously provided, and this would thereby reduce the amount of new assessment needed and contribute to a more efficient and effective process.
15. It is noted that applicants for fast-track projects must engage with and provide a summary of any consultation undertaken on the project when the application is lodged (14(i) and 16(2)). The DCC submits that it would also be useful if the applicant was required to specify whether any impacts on public infrastructure are expected, such as discharge or connection to three waters networks. The Bill does not appear to require the applicant to indicate whether there is capacity in the three waters networks to service the development or proposal or to require the applicant to upgrade or extend infrastructure to facilitate servicing. The DCC requests that these requirements are included in the Bill.
16. The DCC submits that there should be an assessment of infrastructure capacity provided as part of an application, and that the Bill should also outline requirements for applicants to pay for, or install, infrastructure needed to extend or upsize the infrastructure networks to be able to service the development compliant with DCC requirements. The DCC's view is that local authorities must have the ability to not approve consent, or to place conditions on any discharge to ensure protection of its networks, protection of the environment, and that the ability to meet

its own resource consents is not compromised by having to accept a discharge that did not meet these conditions.

17. In addition to an outline of types of resource consent and designations that may be needed, the DCC submits that the Bill needs to clarify that local authority bylaws should also be included in fast-track applications, either in the description of legal authorisations needed under 14(3)(t) or in a separate clause, and applicants should be required to show how they will comply with these requirements. This may assist in avoiding problems when approved projects proceed. Local authority advice on these must be cost-recoverable.
18. The DCC has concerns about the impact on affordability to councils of providing infrastructure or services to a new development that is approved through the fast-track process and submits that greater clarity is needed to as to how the process will work. There must be the ability for local authorities to charge for staff time and any consultants needed to:
  - provide or assess any pre-application material where approval from the local authority is needed, such as for a trade waste consent, water connection, stormwater management plan
  - provide information or assessment of application requested by a panel or minister
  - approve, assess or monitor any conditions of consent
  - provide expert advice requested by a panel.
19. Related to the question of affordability as well as inadequate timeframes for local government to consider and provide comment, the Bill does not seem to address where liability sits in the situation that a consent is fast- tracked by the joint Ministers and there are unintended consequences for infrastructure or the environment. The DCC requests that there is a clear chain of liability.

## **Conclusion**

20. Table 1 below sets out a number of proposed amendments to the Bill, reflecting the commentary above, aimed at improving its workability.
21. In general, the DCC support the joint submission made by LGNZ and Taituarā on this Bill.
22. The DCC welcomes the opportunity to speak to this submission at any hearings.

Ngā mihi



Jules Radich  
**MAYOR**  
**DUNEDIN CITY COUNCIL**



**Table 1 Decisions sought by the Dunedin City Council**

Section	Subsection	Request
Referral application 14(3) The information to be included in the application is as follows:	Proposal and effects	Add a new requirement for a greenhouse gas (GHG) emissions assessment of project to be included in every application, both for construction emissions and whole of life emissions associated with creation of or use of asset/infrastructure.
	Persons affected	Add additional clause to require a list of any impacts on public infrastructure that have been identified by the relevant local authority.
	What is needed to complete the project	If applications required under bylaws are included in the requirements of 14(t) then this provision should be amended to clearly indicate this by specifying it in the list of examples. If it is not included, then an additional clause should be added specifying the requirement to list approvals that are required from the local authority to connect to, or discharge to, its infrastructure networks.
		Add requirement for the Climate Change Minister to approve a referral application considering whether it is not inconsistent with the Climate Change Response Act 2002 (Zero Carbon Act) and carbon budgets, and that the project either supports or is neutral to meeting 2030 and 2050 targets.
16 Consultation requirements for applicants for approvals	(1) engagement with relevant local authorities before lodging a referral application.	Amend to specify that where an approval to connect to local authority public infrastructure (three waters, roads etc.) under its bylaws the applicant is required to specifically record and present these discussions and whether approval of the local authority would be likely and what conditions may be required. The application must be required to show how the bylaw and local authority connection requirements will be complied with.
17 Eligibility criteria for projects that may be referred to panel	(2) The joint Ministers must consider the following criteria:	Add a requirement to the eligibility criteria in section 17 that joint Ministers must consider: <ul style="list-style-type: none"> <li>- whether the activity supports GHG emissions mitigation and in particular whether it supports or is neutral to helping achievement of Zero Carbon Act GHG budgets, 2030 and 2050 targets, and</li> <li>- climate change risks, and whether the activity supports resilient communities/climate change adaptation or has neutral climate change adaptation effects.</li> </ul>
	(5) A project is not ineligible just because the project includes an activity that is a prohibited	Remove clause or amend to clarify that prohibited activities are ineligible.

	activity under the RMA 1991	
18 Ineligible projects	A project must not include any of the following activities:	Add: an 'activity that: (i) is likely to increase GHG emissions and not support meeting Zero Carbon Act targets (ii) is likely to increase climate change risks
19 Process after joint Ministers receive application	1. The Ministers must copy the application to, and invite written comments from (a) the relevant local authorities	Amend section 19 to provide additional clarity about what would be expected from local authorities at this stage of the process.
	(5) anyone who is invited to provide written comments has 10 working days from the receipt of the copy of the application to do so.	Extend the amount of time provided for written feedback to at least 20 working days, and preferably 30, to ensure reasonable timeframes are provided for councils to provide information.
20 Ministers may request information	(1) The joint Ministers may request further information...	Clarify the intent of this provision/what kind of information is likely to be sought by the Ministers at this point in the process and ensure reasonable timeframes are provided for councils to provide information.
21 Decision to decline application for referral	(1) The joint Ministers must decline an application for referral if the Ministers are satisfied that -	Add: (d) the project is likely to increase GHG emissions and/or is inconsistent with the Zero Carbon Act, meeting carbon budgets, and/or 2030/2050 targets; or (e) the project is likely to increase climate change risks.
	(2) The Ministers may decline an application...	Add: - contribution to climate change/likely to increase GHG emissions or -project being inappropriate due to climate change risks
22 Decision to accept application for referral	(1) before deciding to accept an application for referral, the joint Ministers must consider -	Add that Ministers must consider climate change risks and a GHG Emissions assessment as part of the application process.
	(2) in considering the referral application the joint Ministers must:	Suggest including link to Zero Carbon Act/emissions assessment/contribution to meeting 2030 emissions reduction targets and 2050 net zero target.

25 Panel to report and joint Ministers to decide whether to approve project	Amend so that the panel makes the decision on whether to approve a project or not, and make consequential changes elsewhere in the proposed Bill e.g., Cl. 40, Schedule 4. If, however the decision is to have the joint Ministers make the decision to approve a project, add the Minister for the Environment as a joint Minister.
<b>Schedule 3</b>	
7 Skills and experience of members of panel	Add a requirement for the panel members to have relevant environmental management experience.
<b>Schedule 4</b>	
12 Information required in consent applications	Add a requirement that the applicant needs to show that the local authority has agreed to servicing, there is capacity available in the networks, and that other consents required are likely to be approved by the local authority.
13 Information required to assess environmental effects	Amend this or other clauses to ensure local authorities retain control of discharges and connections to their reticulated networks and that the decision of the joint Ministers does not override the ability of local authorities to decline or restrict or condition access to networks.
15 Information required in applications for subdivision or reclamation	Amend to include a requirement to show details of infrastructure servicing the subdivision and also amend to require that if infrastructure is proposed to be vested in the local authority, the applicant must provide confirmation that the local authority agrees to, and will accept, the vested infrastructure. Where reserves, roads or three waters infrastructure is proposed to be vested in the local authority, the applicant should be required to provide confirmation that the local authority agrees to, and will accept, the vested infrastructure. These discussions must be held with local authorities prior to lodging consent applications.
22	Amend to extend time limit for comments.

## **Fast-track Approvals Bill – key submission points for Select Committee**

- Welcome opportunity to speak to DCC submission.
- In general, DCC supports the joint submission made by LGNZ and Taituarā
- DCC wishes to raise a number of concerns:

### Loss of local level decision-making:

- Bill provides ability for projects to be approved that do not align with DCC's own District Plan and strategies, or national level policy.
- Specific provision in the Bill that a project including an activity that would be prohibited under a district plan is not necessarily ineligible for fast-tracking – this undermines DCC's ability and authority to manage our city and plan for its future - potentially making any locally made decisions irrelevant.
- Potential impact of the Bill on mana whenua - analysis accompanying Bill states that net impacts likely to be negative for broader Māori rights and interests.
- DCC does not support the ability to override local decision-making on matters that are important to the health and wellbeing of local communities and the environment.

### Role of the expert panel:

- DCC's preference is for the decisions to be made by expert panels with environmental management expertise

### Environmental sustainability

- No requirement to consider sustainable management of natural and physical resources when deciding whether to fast-track a project.
- As NZ's 'wildlife capital', Dunedin is highly dependent on biodiversity as a key economic driver and the DCC supports the joint submission from Local Government New Zealand (LGNZ) and Taituarā that notes that "a sole focus on the economic imperative forgets environmental sustainability as the foundation on which economic outcomes depend".

### Climate change:

- Bill could fast-track projects which may increase emissions or climate change risks to communities - could lead to benefits of any projects with emissions reduction/adaptation focus being cancelled out.

- DCC considers it essential that climate change mitigation and adaptation are a key consideration when making decisions on fast-track applications.

#### Timeframes:

- Ten working days not enough time for adequate assessment, especially for a large and complicated consent where there is more than one type of approval involved, requiring coordination between different council departments.
- Significant pressure would be put on staff time and resourcing.
- Request an increase to at least 20 working days but preferably 30 working days in which to provide comment.

#### Infrastructure capacity:

- Infrastructure capacity assessment should be provided as part of an application.
- Bill should also outline requirements for applicants to pay for and install necessary infrastructure in a way that is compliant with DCC requirements.
- Local authorities must be given the ability to not approve consent, or place any conditions necessary, to ensure that the DCC's networks and the environment are protected.

#### Affordability:

- Impact on affordability to councils of servicing new developments approved through the fast-track process, as well as staff and any consultants' time costs for assessing applications.

#### Liability:

- Bill does not seem to address where liability sits if a fast-tracked project results in unintended consequences, for local infrastructure or the environment.
- DCC requests that there is a clear chain of liability.

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**From:** Jess Dunn  
**Sent:** Monday, 27 May 2024 08:25 a.m.  
**To:** Jules Radich  
**Subject:** FW: Fast-track Approvals Bill  
  
**Importance:** High

Instructions for Environment Select Committee Zoom below – need to be logged in by 10.30am

Ngā manaakitanga

[Jess Dunn](#)

**Executive Assistant to the Mayor of Dunedin**  
M 021 390 856

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**From:** Danielle Tolson <[Danielle.Tolson@dcc.govt.nz](mailto:Danielle.Tolson@dcc.govt.nz)>  
**Sent:** Friday, 24 May 2024 5:12 p.m.  
**To:** Jess Dunn <[Jess.Dunn@dcc.govt.nz](mailto:Jess.Dunn@dcc.govt.nz)>; Anna Johnson <[Anna.Johnson@dcc.govt.nz](mailto:Anna.Johnson@dcc.govt.nz)>  
**Subject:** FW: Fast-track Approvals Bill  
**Importance:** High

Kia ora kōrua

Please see below details for Monday's appearance at the Environment Committee hearings.

I have responded to confirm the DCC's attendance and its representatives.

Have a good weekend,  
Danielle

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**From:** [en@parliament.govt.nz](mailto:en@parliament.govt.nz) <[en@parliament.govt.nz](mailto:en@parliament.govt.nz)>  
**Sent:** Friday, 24 May 2024 5:01 p.m.  
**To:** Danielle Tolson <[Danielle.Tolson@dcc.govt.nz](mailto:Danielle.Tolson@dcc.govt.nz)>  
**Subject:** Fast-track Approvals Bill

Environment Committee  
Fast-track Approvals Bill  
Your Appearance date: 27/05/2024  
Your Appearance start time: 10:45 a.m.  
Your Appearance end time: 11:15 a.m.

Tēnā koe,

We have allocated you a timeslot window as listed above to speak with the committee. You will have either 5 minutes (individual) or 10 minutes (organisation) within this window. The hearings will be held in Select Committee Room 4, Parliament House, and on Zoom.

**Venue:** Select Committee Room 4, Parliament House  
**Webinar ID:** 825 1925 6639  
**Link:** <https://parliamentnz.zoom.us/j/82519256639>



**Please reply to this email with:**

- A confirmation of your attendance
- **The names and job titles** of you and any others speaking with you (only needed if you are submitting on behalf of a group or organisation)
- any additional material you are planning to provide to the committee on the day. This will be given to the members, and may be made publicly available after the meeting.

**Points to note:**

- If on Zoom - **please enter your full name (and your organisation, if relevant)** when you join the meeting.
- Please be available (either in the meeting room, or logged into Zoom) **at least 15 minutes** before your designated timeslot, as committee meetings do not always run to time.
- Committee members will have read your submission, so there is no need to read it out. **Please ensure that there is time for members to ask questions.**
- Hearings are generally open to the public, and you are welcome to attend as much of the hearing as you like. You may stay in the room, or in the webinar if you are attending via Zoom. Check the schedule of meetings [schedule of meetings](#) to see the full duration of the hearing.
- Most meetings are livestreamed on the [Parliament website](#), and videos will remain publicly available online.
- Media may be present.
- Committee meetings may change at short notice. If you are travelling for the hearing, you may want to make flexible travel arrangements.

[Guidance on the oral submission process \(including instruction videos\) can be found here.](#)

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When it is your turn to speak, committee staff will promote you to panelist - please accept the request - so that the committee and other people watching the webinar can see and hear you. Please then turn on your camera and unmute your audio. The committee will then invite you to begin your submission.

Once you have completed your submission, committee staff will change your status back to view only, and you can either leave the webinar or stay to watch other submitters.

Please feel free get in touch if you have any questions.

Ngā mihi,

Committee Secretariat

Phone: 04 817 9520

Email: [en@parliament.govt.nz](mailto:en@parliament.govt.nz)

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**From:** Anna Johnson  
**Sent:** Thursday, 23 May 2024 04:15 p.m.  
**To:** Jules Radich; Office Of The Mayor  
**Cc:** David Ward  
**Subject:** Speaking notes for Fast Track Approvals Bills Submission  
**Attachments:** FINAL DCC Submission on the Fast-track Approvals Bill 23 April 2024.pdf; Key speaking points .docx

Kia ora Mr Mayor

Please find attached speaking points for your consideration for our submission on the Fast Track Approvals Bill scheduled for Monday. I will see you on Monday morning.

Kā mihi

Anna

23 April 2024

Committee Secretariat  
Environment Committee  
Parliament Buildings  
Wellington  
Via email: [en@parliament.govt.nz](mailto:en@parliament.govt.nz)

Tēnā koutou

## **DUNEDIN CITY COUNCIL SUBMISSION ON THE FAST-TRACK APPROVALS BILL 2024**

### **Introduction**

1. The Dunedin City Council (DCC) welcomes the opportunity to submit on the Fast-track Approvals Bill 2024 (the Bill).
2. The DCC acknowledges the intention of the Bill to speed up consenting processes for nationally and regionally significant projects. The DCC has a number of concerns that it wishes to raise with respect to implications of the Bill for local decision-making and potential impacts for councils in terms of implementation.

### **Discussion**

3. In its current form, the Bill raises a number of questions about how the decision-making process will work for local government. The DCC is particularly concerned about an increased loss of decision-making at a local level, as the proposed Bill expands on the potential number of significant projects that will be eligible for the fast-track approach compared to the previous legislation. In addition, decisions on significant projects will ultimately be made by the joint Ministers rather than by an expert panel.
4. While both options represent a loss of decision-making at the local level, the DCC's strong preference is that the decisions be made by expert panels consisting of members that have experience relevant to environmental management. If, however the Bill retains the approach of the joint Ministers making the final decision, we seek that the Minister for the Environment be included as one of the joint Ministers.
5. As the 'Wildlife Capital' of New Zealand, Dunedin is highly dependent on its biodiversity as a key economic driver. The DCC supports the joint submission from Local Government New Zealand (LGNZ) and Taituarā that notes that "a sole focus on the economic imperative forgets environmental sustainability as the foundation on which economic outcomes depend".
6. The Bill provides the ability for projects to be approved that do not align with either existing national level policy or the DCC's own District Plan and strategies, which have been through full public consultation processes and subjected to a high level of expert input and scrutiny. It is noted that in making its recommendations to the joint Ministers, the expert panel will have to consider firstly the purpose of the Bill - *to provide a fast-track decision-making process that facilitates the delivery of infrastructure and development projects with significant regional or*



*national benefits* - and secondly other relevant legislation such as National Policy Statements under the Resource Management Act (RMA) 1991. This establishes a clear direction for the fast-track legislation to be prioritised over other legislation and could lead to clear conflicts in policy direction and implementation at the local level.

7. The tension between the direction of the fast-track process and its implementation at regional and local levels is also embedded in the referral part of the proposed process. When the joint Ministers are assessing the eligibility of a proposed project and whether it is consistent with the purpose of the Act, they need to consider whether the project has significant regional or national benefits and may consider whether the project:
  - has been identified as a priority by central government, local government or sector plan or strategy (for example, spatial strategy) or as a central government infrastructure priority
  - will deliver regionally or nationally significant infrastructure
  - will increase supply of housing, address housing needs, or contribute to well-functioning urban environment
  - will deliver significant economic benefits
  - will support primary industries, including aquaculture
  - will support development of natural resources (including minerals/ petroleum)
  - will support climate change mitigation, including reduction or removal of greenhouse gases (GHGs)
  - will support adaptation, resilience and recovery from natural hazards
  - will address significant environmental issues
  - is consistent with local or regional planning documents, including spatial strategies.
8. Whether the project is consistent with local or regional planning documents is included in the Bill only as a matter that Ministers *may* consider in deciding whether to refer a project. Similarly, while Ministers may consider whether a project will address significant environmental issues, there is no requirement to consider the principle of sustainable management of natural and physical resources when deciding whether to fast-track a project. The joint Ministers would therefore have the discretion to disregard these aspects in deciding to refer a project, leading to potential conflict between a fast-tracked project and locally developed plans and strategies.
9. It is particularly concerning that there is a specific provision in the Bill that a project including an activity that would be prohibited under a district plan is not necessarily ineligible. This actively undermines the DCC's ability and authority to manage our region and plan for its future as well as potentially rendering any decisions made locally, irrelevant.
10. Another aspect of concern for the DCC is the potential impact of the Bill on mana whenua values, as the analysis accompanying the Bill states that while the Bill requires consistency with Treaty settlements "...the net impacts are likely to be negative for broader Māori rights and interests..."<sup>1</sup>. The DCC does not support the ability to override local decision-making on matters that are important to the health and wellbeing of local communities and the environment.
11. Using the example of climate change, given local government's role in working with their communities to build resilience and adapt to climate change, the DCC wishes to stress the

importance of giving climate change mitigation and adaptation appropriate consideration; not only when Ministers are deciding whether to fast-track a project that addresses any of these issues, but also in assessing all potential projects in terms of emissions and climate change risk. The DCC is concerned that in its current form, the Bill could lead to the benefits of any projects that have an emissions reduction/adaptation focus being essentially 'cancelled out' by other projects, which may increase emissions or increase climate risks to communities in the coming decades. Given that a key purpose of the Bill is to fast-track key infrastructure projects, which often have a lifespan of 50+ years, the DCC considers it critical that elements such as climate change mitigation and adaptation are a key consideration to ensure that future climate risks and emissions are minimised.

12. With respect to the ability of local authorities to have input into the fast-track process, while it is understood that they will be asked for comment where a project is proposed in their area, the DCC is concerned that the ability for councils to respond adequately will be severely hampered by the proposed timeframes for providing input. The DCC submits that 10 working days is not enough time for a proper assessment and the provision of comments, especially on a large, complicated consent where there is more than one type of approval involved and co-ordination is required between a number of different council departments.
13. If the DCC only has 10 working days in which to provide comment, this may impact on the timeframes for applications councils are processing under its ordinary processes and this could put significant pressure on staff time and resourcing. The DCC submits that it will be important to allow adequate time for councils to fully understand the implications of projects in terms of their functions and responsibilities, so that they can provide the best possible advice to the Ministers. The DCC requests an increase to at least 20 days, but preferably 30 days in which to provide comment.
14. The DCC seeks more clarity over how pre-referral comments from local authorities will feed into the decision-making for the fast-track process, including: referral to the expert panel; the recommendation of conditions; and final decision-making. Particularly if timeframes are going to be tight, it will be even more crucial that appropriate consultation is undertaken, and approvals where necessary are sought from the relevant local authority prior to referral. This would mean staff would only need to check that the application is not different to the information previously provided, and this would thereby reduce the amount of new assessment needed and contribute to a more efficient and effective process.
15. It is noted that applicants for fast-track projects must engage with and provide a summary of any consultation undertaken on the project when the application is lodged (14(i) and 16(2)). The DCC submits that it would also be useful if the applicant was required to specify whether any impacts on public infrastructure are expected, such as discharge or connection to three waters networks. The Bill does not appear to require the applicant to indicate whether there is capacity in the three waters networks to service the development or proposal or to require the applicant to upgrade or extend infrastructure to facilitate servicing. The DCC requests that these requirements are included in the Bill.
16. The DCC submits that there should be an assessment of infrastructure capacity provided as part of an application, and that the Bill should also outline requirements for applicants to pay for, or install, infrastructure needed to extend or upsize the infrastructure networks to be able to service the development compliant with DCC requirements. The DCC's view is that local authorities must have the ability to not approve consent, or to place conditions on any discharge to ensure protection of its networks, protection of the environment, and that the ability to meet

its own resource consents is not compromised by having to accept a discharge that did not meet these conditions.

17. In addition to an outline of types of resource consent and designations that may be needed, the DCC submits that the Bill needs to clarify that local authority bylaws should also be included in fast-track applications, either in the description of legal authorisations needed under 14(3)(t) or in a separate clause, and applicants should be required to show how they will comply with these requirements. This may assist in avoiding problems when approved projects proceed. Local authority advice on these must be cost-recoverable.
18. The DCC has concerns about the impact on affordability to councils of providing infrastructure or services to a new development that is approved through the fast-track process and submits that greater clarity is needed as to how the process will work. There must be the ability for local authorities to charge for staff time and any consultants needed to:
  - provide or assess any pre-application material where approval from the local authority is needed, such as for a trade waste consent, water connection, stormwater management plan
  - provide information or assessment of application requested by a panel or minister
  - approve, assess or monitor any conditions of consent
  - provide expert advice requested by a panel.
19. Related to the question of affordability as well as inadequate timeframes for local government to consider and provide comment, the Bill does not seem to address where liability sits in the situation that a consent is fast-tracked by the joint Ministers and there are unintended consequences for infrastructure or the environment. The DCC requests that there is a clear chain of liability.

## **Conclusion**

20. Table 1 below sets out a number of proposed amendments to the Bill, reflecting the commentary above, aimed at improving its workability.
21. In general, the DCC support the joint submission made by LGNZ and Taituarā on this Bill.
22. The DCC welcomes the opportunity to speak to this submission at any hearings.

Ngā mihi



Jules Radich  
**MAYOR**  
**DUNEDIN CITY COUNCIL**



**Table 1 Decisions sought by the Dunedin City Council**

Section	Subsection	Request
Referral application 14(3) The information to be included in the application is as follows:	Proposal and effects	Add a new requirement for a greenhouse gas (GHG) emissions assessment of project to be included in every application, both for construction emissions and whole of life emissions associated with creation of or use of asset/infrastructure.
	Persons affected	Add additional clause to require a list of any impacts on public infrastructure that have been identified by the relevant local authority.
	What is needed to complete the project	If applications required under bylaws are included in the requirements of 14(t) then this provision should be amended to clearly indicate this by specifying it in the list of examples. If it is not included, then an additional clause should be added specifying the requirement to list approvals that are required from the local authority to connect to, or discharge to, its infrastructure networks.
		Add requirement for the Climate Change Minister to approve a referral application considering whether it is not inconsistent with the Climate Change Response Act 2002 (Zero Carbon Act) and carbon budgets, and that the project either supports or is neutral to meeting 2030 and 2050 targets.
16 Consultation requirements for applicants for approvals	(1) engagement with relevant local authorities before lodging a referral application.	Amend to specify that where an approval to connect to local authority public infrastructure (three waters, roads etc.) under its bylaws the applicant is required to specifically record and present these discussions and whether approval of the local authority would be likely and what conditions may be required. The application must be required to show how the bylaw and local authority connection requirements will be complied with.
17 Eligibility criteria for projects that may be referred to panel	(2) The joint Ministers must consider the following criteria:	Add a requirement to the eligibility criteria in section 17 that joint Ministers must consider: - whether the activity supports GHG emissions mitigation and in particular whether it supports or is neutral to helping achievement of Zero Carbon Act GHG budgets, 2030 and 2050 targets, and - climate change risks, and whether the activity supports resilient communities/climate change adaptation or has neutral climate change adaptation effects.
	(5) A project is not ineligible just because the project includes an activity that is a prohibited	Remove clause or amend to clarify that prohibited activities are ineligible.

	activity under the RMA 1991	
18 Ineligible projects	A project must not include any of the following activities:	Add: an 'activity that: (i) is likely to increase GHG emissions and not support meeting Zero Carbon Act targets (ii) is likely to increase climate change risks
19 Process after joint Ministers receive application	1. The Ministers must copy the application to, and invite written comments from (a) the relevant local authorities	Amend section 19 to provide additional clarity about what would be expected from local authorities at this stage of the process.
	(5) anyone who is invited to provide written comments has 10 working days from the receipt of the copy of the application to do so.	Extend the amount of time provided for written feedback to at least 20 working days, and preferably 30, to ensure reasonable timeframes are provided for councils to provide information.
20 Ministers may request information	(1) The joint Ministers may request further information...	Clarify the intent of this provision/what kind of information is likely to be sought by the Ministers at this point in the process and ensure reasonable timeframes are provided for councils to provide information.
21 Decision to decline application for referral	(1) The joint Ministers must decline an application for referral if the Ministers are satisfied that -	Add: (d) the project is likely to increase GHG emissions and/or is inconsistent with the Zero Carbon Act, meeting carbon budgets, and/or 2030/2050 targets; or (e) the project is likely to increase climate change risks.
	(2) The Ministers may decline an application...	Add: - contribution to climate change/likely to increase GHG emissions or -project being inappropriate due to climate change risks
22 Decision to accept application for referral	(1) before deciding to accept an application for referral, the joint Ministers must consider -	Add that Ministers must consider climate change risks and a GHG Emissions assessment as part of the application process.
	(2) in considering the referral application the joint Ministers must:	Suggest including link to Zero Carbon Act/emissions assessment/contribution to meeting 2030 emissions reduction targets and 2050 net zero target.

25 Panel to report and joint Ministers to decide whether to approve project	Amend so that the panel makes the decision on whether to approve a project or not, and make consequential changes elsewhere in the proposed Bill e.g., Cl. 40, Schedule 4. If, however the decision is to have the joint Ministers make the decision to approve a project, add the Minister for the Environment as a joint Minister.
<b>Schedule 3</b>	
7 Skills and experience of members of panel	Add a requirement for the panel members to have relevant environmental management experience.
<b>Schedule 4</b>	
12 Information required in consent applications	Add a requirement that the applicant needs to show that the local authority has agreed to servicing, there is capacity available in the networks, and that other consents required are likely to be approved by the local authority.
13 Information required to assess environmental effects	Amend this or other clauses to ensure local authorities retain control of discharges and connections to their reticulated networks and that the decision of the joint Ministers does not override the ability of local authorities to decline or restrict or condition access to networks.
15 Information required in applications for subdivision or reclamation	Amend to include a requirement to show details of infrastructure servicing the subdivision and also amend to require that if infrastructure is proposed to be vested in the local authority, the applicant must provide confirmation that the local authority agrees to, and will accept, the vested infrastructure. Where reserves, roads or three waters infrastructure is proposed to be vested in the local authority, the applicant should be required to provide confirmation that the local authority agrees to, and will accept, the vested infrastructure. These discussions must be held with local authorities prior to lodging consent applications.
22	Amend to extend time limit for comments.

### **Fast-track Approvals Bill – key submission points for Select Committee**

- Welcome opportunity to speak to DCC submission.
- In general, DCC supports the joint submission made by LGNZ and Taituarā
- DCC wishes to raise a number of concerns:

#### Loss of local level decision-making:

- Bill provides ability for projects to be approved that do not align with DCC's own District Plan and strategies, or national level policy.
- Specific provision in the Bill that a project including an activity that would be prohibited under a district plan is not necessarily ineligible for fast-tracking – this undermines DCC's ability and authority to manage our city and plan for its future - potentially making any locally made decisions irrelevant.
- Potential impact of the Bill on mana whenua - analysis accompanying Bill states that net impacts likely to be negative for broader Māori rights and interests.
- DCC does not support the ability to override local decision-making on matters that are important to the health and wellbeing of local communities and the environment.

#### Role of the expert panel:

- DCC's preference is for the decisions to be made by expert panels with environmental management expertise

#### Environmental sustainability

- No requirement to consider sustainable management of natural and physical resources when deciding whether to fast-track a project.
- As NZ's 'wildlife capital', Dunedin is highly dependent on biodiversity as a key economic driver and the DCC supports the joint submission from Local Government New Zealand (LGNZ) and Taituarā that notes that "a sole focus on the economic imperative forgets environmental sustainability as the foundation on which economic outcomes depend".

#### Climate change:

- Bill could fast-track projects which may increase emissions or climate change risks to communities - could lead to benefits of any projects with emissions reduction/adaptation focus being cancelled out.

- DCC considers it essential that climate change mitigation and adaptation are a key consideration when making decisions on fast-track applications.

#### Timeframes:

- Ten working days not enough time for adequate assessment, especially for a large and complicated consent where there is more than one type of approval involved, requiring coordination between different council departments.
- Significant pressure would be put on staff time and resourcing.
- Request an increase to at least 20 working days but preferably 30 working days in which to provide comment.

#### Infrastructure capacity:

- Infrastructure capacity assessment should be provided as part of an application.
- Bill should also outline requirements for applicants to pay for and install necessary infrastructure in a way that is compliant with DCC requirements.
- Local authorities must be given the ability to not approve consent, or place any conditions necessary, to ensure that the DCC's networks and the environment are protected.

#### Affordability:

- Impact on affordability to councils of servicing new developments approved through the fast-track process, as well as staff and any consultants' time costs for assessing applications.

#### Liability:

- Bill does not seem to address where liability sits if a fast-tracked project results in unintended consequences, for local infrastructure or the environment.
- DCC requests that there is a clear chain of liability.