
Fast Track Consenting - Reflections on what may be needed and how it has been done previously...

There are four key “levers” which can be used to expedite a consenting process as compared to a standard Resource Management Act 1991 pathway:

1.

Change the regulatory environment. For example, directly amend, or enable the amendment of, Resource Management Act 1991 (RMA) documents to provide a more favourable planning environment for the desired development(s).

2.

Change the decision-maker. Recognising the constraints on decision-making in the local government context, extract that authority for specific projects and grant it to an independent body or, more commonly, a Minister.

3.

Change the decision-making framework. The RMA was designed to promote the sustainable management of New Zealand’s natural and physical resources. Decisions made under it (including development of the various planning documents) must accord with that purpose; a purpose which has been the subject of nearly 30 years of examination by the courts, and which inevitably requires the assessment and, where possible, the reconciling, of a wide range of complex and often competing considerations. That assessment carries implications for time, cost and risk. In certain circumstances (significant rebuild as a result of natural disaster or pandemic for example!) that assessment requirement may not remain appropriate. In such instances it may be appropriate to reframe the assessment such that

particular outcomes are elevated (e.g. the recovery and regeneration of cities and communities).

4.

Change the way people participate. Reconsider the opportunity for public participation – can it be streamlined and utilised where it is most effective, for example, in the early stages of vision or outcome development. Rather than prescribed legal requirements, consider placing strong obligations on development agencies to encourage participation effectively and creatively. Require that participation to be documented and reported on – how have the views of the public be considered and responded to in the finished product? Remove appeal rights. Retain ability to challenge statutory decision-making processes through judicial review.

The following table illustrates how each of the above levers has been used in existing or now-repealed special-purpose statutes. It also includes comments on the relative effectiveness of these statutes, drawing on our experience utilising and advising on them. Please click to view the [Table](#).
