
Housing, Active Transport and Environmental Enhancement to benefit from Fast Track RMA Processes

The Government has announced that a central element of its response to COVID-19 will involve a fast-track pathway through RMA processes for eligible projects.

Although the Bill has not yet been released, the Minister for the Environment has indicated that the fast track process will apply to both resource consents and designations and will allow those projects that meet the criteria to be determined by an Expert Consenting Panel rather than progressing through the usual RMA processes. The Expert Consenting Panel will be chaired by a current or retired Environment Court Judge or senior lawyer and will also contain a person nominated by the relevant councils and a person nominated by the relevant iwi.

Decisions made by the Expert Consenting Panel will be issued within 25 working days after receiving comments on an application (with some large scale projects the timeframes will increase to 50 working days). Treaty of Waitangi settlements will be upheld, as will the sustainable management purpose of the RMA and existing RMA national direction. According to Minister Parker, “once a project is referred to the Panel there is a high level of certainty the resource consent will be granted”.

Appeal rights will be limited to points of law and/or judicial review in the High Court, with one further right of appeal to the Court of Appeal.

Minister Parker has indicated that the types of projects that could benefit from quicker consenting include “roading, walking and cycling, rail, housing, sediment removal from silted rivers and estuaries, new wetland construction, flood management works, and projects to prevent landfill erosion”.

The changes to RMA process would be temporary, lasting approximately 2 years,

and the Government aims to pass legislation as early as June.

In terms of cross-party support for the fast-tracked process, we understand that the Green Party holds concerns about how iwi and environmental activists will be able to participate and have therefore indicated they will only support the Bill for its first reading before reassessing having reviewed public submissions. National have indicated they will likely consider the changes “favourably” once details are available, on the basis the proposal is a confirmation that the RMA is not “fit for purpose”. NZ First and ACT also appear supportive.

The Environmental Defence Society has likewise signalled hesitant support for the proposal given its focus on environmental enhancement, noting “Overall, it looks like the legislation will avoid sacrificing environmental standards and has focused mostly on speeding up decision-making. Given the exigencies of this C19 world, the outline of the proposed bill looks like an appropriate response”.

The fast-tracked RMA process has the potential to see many projects get underway earlier than could have been achieved under “business as usual” RMA processes. We consider that an important consideration of in the drafting of fast-track legislation should be the lessons learnt in the Christchurch and Kaikoura contexts, where fast-track processes have been utilised (and are still able to be utilised) with success. We have considered the Christchurch and Kaikoura experience [here](#).

We look forward to updating you with further details when the Bill is introduced.
