

# SUBMISSION ON

## Fast-track Approvals Bill

19 April 2024

**To:** Environment Committee

**Name of Submitter:** Horticulture New Zealand

**Supported by:** Hawke's Bay Fruitgrowers' Association, New Zealand Apples & Pears, New Zealand Passionfruit Growers Association Inc., NZ Kiwiberry Growers Inc., Onions New Zealand Inc., Tomatoes NZ, Vegetables New Zealand Inc.

### Contact for Service:

Michelle Sands  
GM Strategy and Policy  
Horticulture New Zealand  
PO Box 10-232 WELLINGTON  
Ph: 021 610 653  
Email: [michelle.sands@hortnz.co.nz](mailto:michelle.sands@hortnz.co.nz)

# OVERVIEW

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## Our submission

Horticulture New Zealand (HortNZ) thanks the Environment Committee for the opportunity to submit on the Fast-track Approvals Bill and welcomes any opportunity to continue to work with the Environment Committee and to discuss our submission.

HortNZ wishes to be heard in support of our submission.

The details of HortNZ's submission and decisions we are seeking are set out in our submission below.

# HortNZ's Role

## Background to HortNZ

HortNZ represents the interests of approximately 4,200 commercial fruit and vegetable growers in New Zealand who grow around 100 different fruits and vegetables. The horticultural sector provides over 40,000 jobs.

There are approximately 80,000 hectares of land in New Zealand producing fruit and vegetables for domestic consumers and supplying our global trading partners with high quality food.

It is not just the direct economic benefits associated with horticultural production that are important. Horticulture production provides a platform for long term prosperity for communities, supports the growth of knowledge-intensive agri-tech and suppliers along the supply chain; and plays a key role in helping to achieve New Zealand's climate change objectives.

The horticulture sector plays an important role in food security for New Zealanders. Over 80% of vegetables grown are for the domestic market and many varieties of fruits are grown to serve the domestic market.

HortNZ's purpose is to create an enduring environment where growers prosper. This is done through enabling, promoting and advocating for growers in New Zealand.



## HortNZ's Resource Management Act 1991 Involvement

On behalf of its grower members HortNZ takes a detailed involvement in resource management planning processes around New Zealand. HortNZ works to raise growers' awareness of the Resource Management Act 1991 (RMA) to ensure effective grower involvement under the Act.

# Executive Summary

The current RMA process for consents is obstructive to developing needed infrastructure, so there is an urgent need for a fast-track process to consent strategically important projects. HortNZ is strongly supportive of expediting improvements to roads, ports, water storage and other essential infrastructure for the wellbeing of New Zealanders and our economy.

We also consider that smaller projects that support our national food system should meet the bar for regionally and nationally significant development. To clarify that aim in the Bill, we seek the following amendments to elevate the importance of projects that enhance domestic food supply and our low emissions horticultural exports. We also seek amendments that streamline the system while improving transparency and addressing environmental issues.

## Decision-making

- **Assign Expert Panel responsibility for final decisions** to reduce the steps, time and expense in the fast-track process. The Expert Panel should also have industry-specific expertise. This will also leave the final decision with the most-informed parties and reduce the risk of appeal.

## Primary Production

- **Include enabling the supply of fresh fruits and vegetables as potential criteria for eligibility.** Including this as one of the many criteria that can make a project eligible for fast-track will enable development that supports New Zealand's domestic food security and valuable low emissions exports.
- **Consider projects' effect on highly productive land** to prioritise the preservation of elite soils for primary production.
- **Include important water storage and augmentation projects that support Horticulture in Schedule 2:**
  - Tukituki Water Security Project
  - Groundwater Replenishment on the Tūranganui-a-Kiwa flats
  - Water Storage and Augmentation on Ngaruroro, and Heretaunga Plains.

## Process

- **Allow reconsenting, extension of existing consents and longer lapse periods.** Reconsenting of flood protection and irrigation schemes is needed for climate adaptation and because they face similar consenting challenges to new projects. The

two-year lapse period in the Bill is insufficient for large-scale infrastructure and development projects.

- **Provide clarity that fast-track approvals are subject to the Bill's processes**, rather than the source legislation that establishes or provides for those approvals, such as the Conservation Act 1987.
- **Define "development projects"** to clarify the purpose of the Act.
- **Define timeframes case-by-case** for EPA review of applications to allow for considered assessment based on the complexity of the proposal.
- **Ensure consultation is targeted and appropriate.** To keep the process fast, applicants should have the option, but not the requirement, to engage with relevant parties before applying. Consultation on referred applications should include submissions from relevant portfolio Ministers, including the Minister for the Environment, and any other parties with a relevant public interest.

## Accountability

- **Expand list of joint Ministers** to include the Minister for Conservation on any projects that take place within the conservation estate and the Minister for the Environment for all projects, given their oversight of the RMA.
- **Increase transparency in decision-making** by requiring Ministers to make their decision-making criteria public and disclose meetings with or campaign contributions from interested parties.
- **Include a sunset clause for when RMA is replaced** because the fast-track system should no longer be needed with replacement legislation.

# Submission

The current RMA process for consents is obstructive to developing needed infrastructure, so there is an urgent need for a fast-track process to consent strategically important projects. HortNZ is strongly supportive of expediting improvements to roads, ports, water storage and other essential infrastructure for the wellbeing of New Zealanders and our economy.

We also consider that smaller projects that support our national food system should meet the bar for regionally and nationally significant development. To clarify that aim in the Bill, we seek the following amendments to elevate the importance of projects that enhance domestic food supply and our low emissions horticultural exports. We also seek amendments that streamline the system while improving transparency and addressing environmental issues.

## 1. Decision-making

### 1.1. Assign Expert Panel responsibility for final decisions

An expedited system will, by design, require decision-making to rest with a smaller number of people. To keep the process credible and efficient, HortNZ recommends that the final decision for fast-track should rest with the Expert Panel. This configuration is precedent under the repealed Natural and Built Environment Act (NBA). In the "Supplementary Analysis Report" for the Fast-track Approvals Bill, officials advised that the Expert Panel was best placed to make final decisions, since they will have the necessary expertise. They wrote that returning to the Minister for final approval or veto would add an extra step to the process, adding time, complexity and cost to the system, since the Minister would need to commission official advice.<sup>1</sup> Appeals will also be more likely when the Minister acts counter to the recommendations of the Expert Panel.

In order for the Expert Panel to have the most relevant information, Panel membership should include industry expertise related to the application.

#### **Proposed amendment**

Where applicable, make amendments to give the Expert Panel the final decision-making power for fast-track consenting applications.

#### **Proposed amendment to Schedule 3 Expert Panel**

7 Skills and experience of members of panel

(1) The members of a panel must, collectively, have—

(a) the knowledge, skills, and expertise relevant to the purpose of this Act; and

<sup>1</sup> [FTAB-24-Supplementary-Analysis-Report-PCO\\_Redacted.pdf \(environment.govt.nz\)](#)

(b) the knowledge and skills required for matters specific to the project, including the technical expertise **and industry knowledge** relevant to the project; and

(c) an understanding of te Tiriti o Waitangi/the Treaty of Waitangi and its principles...

## 2. Primary Production

### 2.1. Include fruit and vegetables in criteria for eligibility

Enabling the supply of fresh fruits and vegetables should be included in the criteria for eligibility for fast-track projects. Including this as one of the many criteria that can make a project eligible for fast-track will enable projects that improve New Zealand's domestic food security and valuable low emissions exports. Fresh fruit and vegetables are nationally significant for the health of the nation, for domestic nutrition and food security and for export value as low emissions, high value products.

Smaller projects disproportionately bear consenting costs.<sup>2</sup> Road upgrades that connect Tairāwhiti region with the Tauranga port to facilitate transportation of kiwifruit may not reach the threshold of regional significance on their own. The sum of many infrastructure projects, however, can bolster our national fruit and vegetable supply and support national goals to double export values.

HortNZ also recommends cutting Clause 17 (3) (a) because the language is unclear. All projects that meet (a) should also meet criteria (b) to deliver "regionally or nationally significant infrastructure".

#### Proposed amendment to Clause 17

(3) In considering under subsection (2)(d) whether the project would have significant regional or national benefits, the joint Ministers may consider whether the project–

(a) has been identified as a priority project in a central government, local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy) or central government infrastructure priority list:

(b) will deliver regionally or nationally significant infrastructure...

(e) will support primary industries, including aquaculture:

**(ea) will enable the supply of fresh fruits and vegetables:**

(f) will support...

### 2.2. Consider effect on productive capacity of land

Because fast-track consenting will allow projects to be approved without testing them against national policy statements, it is essential that consideration is given to enabling the

<sup>2</sup> [the-cost-of-consenting-infrastructure-projects-in-new-zealand.pdf \(tewaihang.govt.nz\)](https://www.tewaihang.govt.nz/the-cost-of-consenting-infrastructure-projects-in-new-zealand.pdf)

use of highly productive land for primary production. For instance, improvements to a road of significance may improve the economic sustainability of horticulture in less accessible regions by providing access to export ports and the domestic market.

### **Proposed amendment to Schedule 4 Clause 14 Matters to be covered in assessment of environmental effects**

The assessment of an activity's effects on the environment under clause 12(4) must cover the following matters:

(a) any effect on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects:

(b) any physical effect on the locality, including landscape and visual effects:

(c) any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity:

#### **(ca) any effect on the productive capacity of highly productive land for primary production:**

(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations...

## **2.3. Include water storage and augmentation projects that support horticulture in Schedule 2**

HortNZ seeks that the following projects that support the resilience and development of the horticulture industry are included as listed projects under Schedule 2 of the Bill. In addition, the list of projects that will be included in Schedule 2 of the Bill should be released for public consultation.

### **Proposed amendment to Schedule 2 Listed Projects**

Part A

Projects listed for direct referral to expert panel

No projects are listed in this Part:

#### **(a) Tukituki Water Security Project**

#### **(b) Groundwater Replenishment on the Tūrangānui-a-Kiwa flats**

#### **(c) Water Storage and Augmentation on Ngaruroro, and Heretaunga Plains.**

**Release projects listed under Schedule 2 for public consultation.**

### 3. Process

#### 3.1. Allow reconsenting, extension of existing consents and longer lapse periods

##### 3.1.1. INCLUDE RECONSENTING OF FLOOD PROTECTION AND IRRIGATION SCHEMES

There is an opportunity within this Bill to allow for reconsenting of flood protection projects and irrigation schemes, which are essential for climate adaptation. Large infrastructure projects like these endure a long and expensive process to re-consent, just like new projects. Approvals should allow existing consents to be extended.

##### 3.1.2. EXTENSION OF LAPSE PERIODS

The lapse period for resource consents under the Bill are unnecessarily short, allowing only two years before a consent lapses. This does not reflect the complexity and scale of regionally and nationally significant projects, which this Bill intends to support. Large-scale infrastructure projects typically require long lead times to engage contractors and source equipment/materials with specialist input. Having consents is often a prerequisite for investment certainty and to facilitate effective, staged project delivery while environmental effects are appropriately managed.

We propose that the existing lapse provisions under section 125 of the RMA are appropriate for fast-tracked projects.

#### 3.2. Provide clarity that fast-track approvals supersede other legislative processes

The decision-making power to declare the status of land under the land exchange provisions of the Conservation Act 1987 should be explicitly identified as an “approval” under the Fast-track Approvals Bill. This ensures that the Bill fully provides for approvals through its unique process, exempting applications from the Conservation Act process.

##### **Proposed amendment to Clause 4 Interpretation**

**Approval** includes a resource consent, extension of the lapse date of an existing resource consent, reconsenting of a resource consent, declaration of land status under the Conservation Act 1987, notice of requirement, certificate of compliance, licence, permission, clearance, or other authority

##### **Proposed amendment to Schedule 4, Clause 39 Panel to make recommendation**

Delete 39(9) The date specified under subclause (8) must not be later than 2 years...

#### 3.3. Define “development projects”

A definition of “development projects” is needed to clarify the purpose of the Act. Presumably, “development projects” includes nationally or regionally significant work that does not fall within the definition of infrastructure. Projects that were explicitly eligible under

the NBA that may be appropriate to include in this definition are: communications infrastructure, transportation infrastructure, fire and emergency services facilities, and health facilities.<sup>3</sup>

#### **Proposed amendment to Clause 4 Interpretation**

Introduce a definition of “development projects” to clarify the purpose of the Act.

### **3.4. Define timeframes case-by-case**

HortNZ supports the efficiency of a one-stop-shop process in the Bill. We are concerned, however, that the tightly defined timeframes for consideration of applications by the Expert Panel do not provide enough time for considered assessment. The Panel should be well-resourced and given adequate time to meaningfully consider submissions and expert evidence before making a final decision.

Time to consider these applications should be proportional to the inherent complexity of projects that meet the criteria of regional national significance. The Bill does give Ministers the power to specify timeframes which differ from the 25-50 day limits that would otherwise apply, but this could lead to opaque or arbitrary decision-making.

Instead, we propose that timeframes should be specified on a case-by-case basis based on assessment criteria and a banded scale of timeframes related to the complexity of the application.

#### **Proposed amendment**

Where appropriate, replace the timeframes in 21(1)(e) and Schedule 4 with a clause providing assessment criteria and a banded scale of timeframes related to the complexity of the application.

### **3.5. Ensure consultation is targeted and appropriate**

#### **3.5.1. KEEPING CONSULTATION WITHIN DEFINED TIMEFRAMES**

In order for fast track to stay “fast”, there need to be reasonable limits to consultation. Under the Bill as drafted, an applicant must engage with relevant iwi, hapū, Treaty settlement entities and local authorities before filing an application. These parties have no obligation to respond in a timely manner.

HortNZ proposes that the applicant should still be required to provide a copy of their application to the relevant groups. If the applicant is successful in achieving a referral, those parties will then be aware that the Minister will soon ask for their written comments as part of the fast-track process.

Iwi, hapū, Treaty settlement entities and local authorities have the opportunity to submit on referred applications and appoint members of the Expert Panel, so they will still have

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<sup>3</sup> <https://www.legislation.govt.nz/act/public/2023/0046/latest/LMS858110.html> (Clause 14)

considerable decision-making influence. Applicants may have a better chance of achieving a referral if they have done prior consultation with these parties, but it should not be a requirement.

### **Proposed amendment to Clause 16 Consultation requirements for applicants for approvals**

For an application for an approval under this Act, the applicant must undertake engagement with the following groups before lodging a referral application:

#### **Before lodging a referral application for approval under this Act, the applicant must provide a copy of the application to the following groups:**

- (a) relevant iwi, hapū, and Treaty settlement entities:
- (b) any relevant applicant groups with applications for customary marine title under the Marine and Coastal Area (Takutai Moana Act) 2011:
- (c) if relevant, ngā hapū o Ngāti Porou:
- (d) relevant local authorities.

(2) An applicant must include in their referral application a record of the **parties notified of the application and any other** engagement and a statement explaining how it has informed the project.

### **3.5.2. BROAD ENOUGH SUBMITTER POOL**

The Expert Panel should have the option to invite additional submitters to comment on applications, in addition to those whom the joint Ministers specify. Making sure that affected parties have the opportunity to comment is especially important given the limited appeal rights in the Bill. In line with the NBA, we recommend allowing the panel to invite submissions from anyone they consider represents a relevant aspect of the public interest, including affected landowners.

### **Proposed amendment to Schedule 4**

20 Public and limited notification not permitted

*Persons that must or may be invited to comment on listed project*

(3) For a listed project, a panel must invite comments on a consent application or notice of requirement before it from the following:

- (a) the relevant local authorities; and...
- (h) Ministers of the Crown responsible for the following portfolios:
  - (i) Arts, Culture and Heritage; and

(ii) Climate Change; and

(iii) Conservation; and

(iv) Defence; and

(v) Education; and

**(va) Environment; and**

(vi) Housing...

(4) A panel may invite written comments from any other person the panel considers appropriate, **including any other person who:**

**(a) represents a relevant aspect of the public interest; or**

**(b) to whom the panel considers the activity is relevant.**

*Persons who must or may be invited to comment on referred project...*

(6) A panel may invite comments from any other person the panel considers appropriate, **including relevant portfolio Ministers and any other person who:**

**(a) represents a relevant aspect of the public interest; or**

**(b) to whom the panel considers the activity is relevant.**

## 4. Accountability

### 4.1. Expand list of joint Ministers

The Minister for the Environment should be included in the list of joint Ministers, given their responsibility for the RMA and the potential environmental impacts of fast-tracking decisions.

In addition, the Minister for Conservation should be considered a joint Minister for any applications relating to use of conservation land.

#### **Proposed amendment to Clause 4 Interpretation**

(1) In this Act, unless the context otherwise requires...

#### **joint Ministers**

(a) means the Minister for Infrastructure, Minister of Transport, **Minister for Environment**, and Minister for Regional Development, acting jointly; and

(b) in relation to an approval to do anything otherwise prohibited by the Wildlife Act 1953, includes the Minister of Conservation acting jointly with those other Ministers; and...

#### **Proposed amendment to Clause 19 Process after joint Ministers receive application**

(3) If the application includes an activity that would occur on land within a World Heritage Area **or within the conservation estate**, the Minister of Conservation is a relevant portfolio Minister under subsection (1)(b).

## **4.2. Increase transparency in decision-making**

Clear criteria and communication about decision-making will be needed to ensure the credibility and transparency of the fast-track system. Whether under this government or future ones, making decision-making public will counter any concerns about Ministerial favouritism. Checks and balances built into the legislation will uphold the Coalition Government's decision-making principles to be accountable, evidence-based and pro-democracy<sup>4</sup>. This includes the need for joint Ministers to make disclosures about meetings with fast-track applicants and campaign funding from interested parties.

#### **Proposed amendment to Clause 24 Notice of joint Ministers' decision on referral application**

(1) The responsible agency must give notice of a decision made by the joint Ministers on a referral application, and the reasons for it, to–

(a) the applicant; and

(b) anyone invited to comment on the application; **and**

**(c) the public, without disclosing commercially sensitive details.**

#### **Proposed amendment to Clause 25 Panel to report and joint Ministers to decide whether to approve project**

(7) After considering the expert panel's report on a referral application for a project, the joint Ministers must–

**(aa) disclose their decision-making criteria and any meetings with or campaign contributions from interested parties; and**

<sup>4</sup> [National ACT Agreement.pdf\(nationbuilder.com\)](#), [NZFirst Agreement 2.pdf\(nationbuilder.com\)](#)

(a) approve the project and grant the relevant approvals subject to the conditions (if any) specified in the approval; or

(b) decline to approve the project.

### **4.3. Include sunset clause for when RMA is replaced**

New legislation to replace the RMA should be designed such that the fast-track consenting scheme is no longer needed as stand-alone legislation. As such, the Fast-track Approvals Bill should include a sunset clause, effective once an appropriate replacement is operative.

#### **Proposed amendment**

Introduce a sunset clause to phase out the Fast-track Approvals Act once the RMA replacement legislation is operative.

## Submission on Fast-track Approvals Bill

Without limiting the generality of the above, HortNZ seeks the following decisions on the Fast-track Approvals Bill, as set out below, or alternative amendments to address the substance of the concerns raised in this submission and any consequential amendments required to address the concerns raised in this submission.

Additions are indicated by bolded underline, and deletions by strikethrough text.

Provision	Reason	Decision sought
Clause 4 Interpretation	<p>Clarify the purpose of the Bill and allow for re consenting and extension of lapse dates under fast-track. Large infrastructure projects like irrigation and water storage schemes endure a long and expensive process to re consent, just like new projects. These projects support climate adaptation.</p> <p>The decision-making power to declare the status of land under the Conservation Act 1987 should be explicitly identified as an “approval” under the Bill. This ensures that the Fast-track Approvals Bill fully provides for approvals through its unique process, exempting applications from the Conservation Act process.</p>	<p>Introduce a definition of “development projects” to clarify the purpose of the Bill.</p> <p><b><u>Approval</u></b> includes a resource consent, <b><u>extension of the lapse date of an existing resource consent, re consenting of a resource consent, declaration of land status under the Conservation Act 1987,</u></b> notice of requirement, certificate of compliance, licence, permission, clearance, or other authority</p>
Clause 4 Interpretation	<p>The Minister for the Environment should be included in the list of joint Ministers, given their responsibility for the RMA and the potential environmental impacts of fast-tracking decisions.</p>	<p>(1) In this Act, unless the context otherwise requires... <b>joint Ministers</b></p>

		<p>(a) means the Minister for Infrastructure, Minister of Transport, <b>Minister for Environment</b>, and Minister for Regional Development, acting jointly; and</p> <p>(b) in relation to an approval to do anything otherwise prohibited by the Wildlife Act 1953, includes the Minister of Conservation acting jointly with those other Ministers; and...</p>
New clause - Expert Panel decision-making	Leaving the decision with the Expert Panel will reduce steps and costs in the process, reduce the risk of appeals, and leave the decision with the most informed decision-makers.	Where applicable, <b><u>make amendments to give the Expert Panel the final decision-making power for fast-track consenting applications.</u></b>
Clause 16 Consultation requirements for applicants for approvals	<p>In order for fast track to stay “fast”, there need to be time constraints for consultation.</p> <p>Iwi, hapū, Treaty settlement entities and local authorities have the opportunity to submit on referred applications and appoint members of the Expert Panel, so they will still have considerable decision-making influence. Applicants may have a better chance of achieving a referral if they have done prior consultation with these parties, but it should not be a requirement.</p>	<p>For an application for an approval under this Act, the applicant must undertake engagement with the following groups before lodging a referral application:</p> <p><b><u>Before lodging a referral application for approval under this Act, the applicant must provide a copy of the application to the following groups:</u></b></p> <p>(a) relevant iwi, hapū, and Treaty settlement entities:</p> <p>(b) any relevant applicant groups with applications for customary marine title under the Marine and Coastal Area (Takutai Moana Act) 2011:</p>

		<p>(c) if relevant, ngā hapū o Ngāti Porou:</p> <p>(d) relevant local authorities.</p> <p>(2) An applicant must include in their referral application a record of the <b>parties notified of the application and any other</b> engagement and a statement explaining how it has informed the project.</p>
Clause 17 Eligibility criteria for projects that may be referred to panel	The supply of fresh fruits and vegetables is of national significance for domestic food security and low emissions export value.	<p>(3) In considering under subsection (2)(d) whether the project would have significant regional or national benefits, the joint Ministers may consider whether the project–</p> <p>(a) has been identified...</p> <p>(b) will deliver regionally or nationally significant infrastructure...</p> <p>(e) will support primary industries, including aquaculture:</p> <p><b><u>(ei) will enable the supply of fresh fruits and vegetables:</u></b></p> <p>(f) will support development of natural resources, including minerals and petroleum...</p>
Clause 19 Process after joint Ministers receive application	In addition, the Minister for Conservation should be considered a joint Minister for any applications relating to use of conservation land.	(3) If the application includes an activity that would occur on land within a World Heritage Area <b><u>or within the conservation estate</u></b> , the Minister of Conservation is a relevant portfolio Minister under subsection (1)(b).
New clause - Timeframe assessment criteria	Timeframes should reflect the complexity and particular circumstances of the application.	Where appropriate, <b><u>replace the timeframes in 21(1)(e) and Schedule 4 with a clause providing assessment criteria and a banded scale of</u></b>

		<b><u>timeframes related to the complexity of the application.</u></b>
Clause 24 Notice of joint Ministers' decision on referral application	Clear criteria and communication about decision-making will be needed to ensure the credibility and transparency of the fast-track system.	<p>(1) The responsible agency must give notice of a decision made by the joint Ministers on a referral application, and the reasons for it, to–</p> <p>(a) the applicant; and</p> <p>(b) anyone invited to comment on the application; <b>and</b></p> <p><b><u>(c) the public, without disclosing commercially sensitive details.</u></b></p>
Clause 25 Panel to report and joint Ministers to decide whether to approve project	Clear criteria and communication about decision-making will be needed to ensure the credibility and transparency of the fast-track system.	<p>(7) After considering the expert panel's report on a referral application for a project, the joint Ministers must–</p> <p><b><u>(aa) disclose their decision-making criteria and any meetings with or campaign contributions from interested parties; and</u></b></p> <p>(a) approve the project and grant the relevant approvals subject to the conditions (if any) specified in the approval; or</p> <p>(b) decline to approve the project.</p>

New clause – Sunset clause	RMA replacement legislation should make the Fast-track Approvals Act obsolete.	Where appropriate, <b><u>introduce a sunset clause to phase out the Fast-track Approvals Act once the RMA replacement legislation is operative.</u></b>
Schedule 2	Clear criteria and communication about decision-making will be needed to ensure the credibility and transparency of the fast-track system.	<b><u>Release projects listed under Schedule 2 for public consultation.</u></b>
Schedule 2 Part A Projects listed for direct referral to expert panel	These projects support the resilience and development of the horticulture industry.	Part A Projects listed for direct referral to expert panel <b><u>(a) Tukituki Water Security Project</u></b> <b><u>(b) Groundwater Replenishment on the Tūrangānui-a-Kiwa flats</u></b> <b><u>(c) Water Storage and Augmentation on Ngaruroro, and Heretaunga Plains.</u></b>
Schedule 3 Clause 7 Skills and experience of members of panel	In order for the Expert Panel to have the most relevant information, Panel membership should include industry expertise related to the application. In practice, if the project involves an irrigation scheme for horticulture, an expert in irrigation or horticulture should be included on the Panel.	(1) The members of a panel must, collectively, have–  (a) the knowledge, skills, and expertise relevant to the purpose of this Act; and  (b) the knowledge and skills required for matters specific to the project, including the technical expertise <b><u>and industry knowledge</u></b> relevant to the project; and  (c) an understanding of te Tiriti o Waitangi/the Treaty of Waitangi and its principles...

<p>Schedule 4 Clause 14 Matters to be covered in assessment of environmental effects</p>	<p>Because fast-track consenting will allow projects to be approved without testing them against all of the national policy statements, it is essential that consideration is given to enabling the productive use of rural land for primary production.</p>	<p>The assessment of an activity's effects on the environment under clause 12(4) must cover the following matters:</p> <p>(a) any effect on the people...</p> <p>(c) any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity:</p> <p><b><u>(ca) any effect on the productive capacity of highly productive land for primary production:</u></b></p> <p>(d) any effect on natural and physical resources...</p>
<p>Schedule 4 Clause 20 Public and limited notification not permitted</p>	<p>Making sure that affected parties have the opportunity to comment is especially important given the limited appeal rights in the Bill.</p> <p>The Minister for the Environment should be included, since they have responsibility for the RMA.</p>	<p><i>Persons that must or may be invited to comment on listed project</i></p> <p>(3) For a listed project, a panel must invite comments on a consent application or notice of requirement before it from the following:</p> <p>(a) the relevant local authorities; and...</p> <p>(h) Ministers of the Crown responsible for the following portfolios:</p> <p>(i) Arts, Culture and Heritage; and</p> <p>(ii) Climate Change; and</p> <p>(iii) Conservation; and</p>

(iv) Defence; and

(v) Education; and

**(va) Environment; and**

(vi) Housing...

(4) A panel may invite written comments from any other person the panel considers appropriate, **including any other person who:**

**(a) represents a relevant aspect of the public interest; or**

**(b) to whom the panel considers the activity is relevant.**

*Persons who must or may be invited to comment on referred project...*

(6) A panel may invite comments from any other person the panel considers appropriate, **including relevant portfolio Ministers and any other person who:**

**(a) represents a relevant aspect of the public interest; or**

**(b) to whom the panel considers the activity is relevant.**