

COVID-19 Recovery (Fast Track Consenting) Bill being drafted

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Yesterday Environment Minister David Parker released information on a COVID-19 Recovery (Fast Track Consenting) Bill currently being drafted that will fast track consenting processes for eligible development and infrastructure projects under the Resource Management Act (RMA) in order to get the economy moving again. The Bill would benefit projects such as roading, walking and cycling, housing, rail, sediment removal from silted rivers and estuaries, wetland construction, flood management works and landfill erosion prevention.

The Environment Minister points out that environmental safeguards outlined in Part 2 of the RMA will still apply, and regard must still be had to National Policy Statements and National Environmental Standards. The Environment Minister will act as a gatekeeper and will use a set of criteria to determine which projects will enter the fast-tracking process.

It is proposed a panel of experts chaired by an Environment Court Judge will determine whether a project is consented. Decisions will be issued within 25 working days after receiving comments on the application (and could be increased to 50 working days for large scale projects). Appeal rights will be limited to points of law and/or judicial review.

The changes were approved by Cabinet last week and new legislation is expected to be passed in June this year. The fast-track process is intended to be a short-term solution to the economic recovery from COVID-19, to be repealed within two years.

We will provide a detailed legal update once the Bill is released. In the meantime, if you wish to discuss the implications of the proposed new process please give one of our team a call.

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