

## **COVID-19 RECOVERY (FAST-TRACK CONSENTING) BILL**

### **SUBMISSIONS BY THE AUCKLAND DISTRICT LAW SOCIETY**

**19 JUNE 2020**

#### **1.0 Introduction**

The ADLS Environment & Resource Management Law Committee ("Committee") welcomes the opportunity to make written submissions on the COVID-19 Recovery (Fast-track Consenting) Bill ("Bill").

ADLS is an independent membership organisation representing the New Zealand legal profession with around 4,000 members. The Committee monitors legal developments in the fields of resource management, local government and environment law. It assists the profession by way of regular updates, articles and training on the practical implications for the profession of the many developments in environment and resource management legislation and policy. The Committee has a national membership that encompasses academic, local government and private practice lawyers who specialise in environment and resource management law.

#### **2.0 Submission**

The Committee recognises the need for, and supports the intent of, the Bill. That is, to stimulate and support New Zealand's economy in light of COVID-19, and the actions that have been required to contain the potential health effects from that pandemic. The Bill aims to achieve that outcome by "fast tracking" the necessary approvals under the Resource Management Act 1991 ("RMA") for a range of projects that are anticipated to generate significant employment, particularly in areas most affected by the COVID-19 response.

We also specifically support the following aspects of the Bill:

- a) The manner in which the Bill seeks to drive economic activity, in a way which:
  - (i) Supports New Zealand's transition to a low emissions economy;
  - (ii) Improves New Zealand's resilience to climate change and other natural hazards;  
and
  - (iii) Continues to promote the sustainable management of natural and physical resources in accordance with section 5 of the RMA.

- b) The fact the Bill does not “relegate” Part 2 of the RMA below the purpose of the Bill, in terms of the matters that guide decisions on applications for listed and referred projects (particularly in clauses 27, 29 and 31 of the Bill). The Bill has therefore avoided the mistakes that have been made in previous bespoke legislation, such as the Housing Accords and Special Housing Areas Act 2013.
- c) The key role to be played by Environment Judges under the Bill in appointing and chairing Expert Consenting Panels. In the Committee’s view, utilising the considerable expertise and experience of the Environment Court is crucial to ensuring the Bill achieves its intended purpose and outcomes.

From our review of the Bill (which has of course been limited given the severely truncated time for making submissions), we have not identified any “fatal” drafting errors that we need to bring to the Select Committee’s attention. That said, we consider there are a number of amendments that can be made to further strengthen the Bill’s provisions and ensure those will be workable. In that regard, the Committee has reviewed an advanced draft of the submission on the Bill prepared by the New Zealand Law Society. We generally concur with and support the various drafting changes identified in that submission.

### 3.0 Concluding comments

Thank you for the opportunity to make our submission. We wish to be heard in respect of this submission. We are also available to assist officials on drafting and technical issues, if that would be of assistance.

The submitter contact details are: Melissa Fini, Professional Services Manager, ADLS, email [melissa.fini@adls.org.nz](mailto:melissa.fini@adls.org.nz) or DDI 09 306 5744.

Yours faithfully,



**Helen Andrews**  
**Convenor**  
**ADLS Environment & Resource Management Law Committee**

