



19 April 2024

Committee Secretariat
Environment Committee
Parliament Buildings
Wellington

Email: en@parliament.govt.nz

Tēnā koutou

RE FAST TRACK APPROVALS BILL

Thank you for the opportunity to submit on the Fast Track Approvals Bill (the Bill) currently before the Environment Committee.

Engineering New Zealand (formerly IPENZ) is New Zealand's professional home for engineers. We're New Zealand's strongest and most influential voice on engineering issues, with more than 23,000 members who want to help shape the public policy agenda and engineer better lives for New Zealanders

General comments

Engineering New Zealand acknowledges and supports the Bill's intent to streamline infrastructure delivery. With the appropriate safeguards, we support streamlining approvals processes. This is particularly timely in the current environment as we are witnessing a downturn in the market and there is a lot of work needed across New Zealand to deliver infrastructure projects. Engineers are concerned about the blocked pipeline of work, and we are losing talent to overseas markets.

It is our view that the Fast Track Approvals Bill does not streamline the approvals process, it supersedes it. It removes safeguards, pulls away from significant environmental legislation and provides unprecedented decision-making power to three Ministers.

We ask the Environment Committee to reconsider the fundamentals of the Bill. The modifications between the COVID-19 Recovery (Fast-track Consenting) Bill and this Bill are fundamentally significant. We are specifically concerned with:

1. Omission of obligations with respect to Te Tiriti o Waitangi¹
2. The power to override environmental safeguards
3. Lack of transparency on projects to be listed in Schedule 2

We will expand on these concerns in this submission.

On a wider note, this Bill will not address New Zealand's long-standing challenges with infrastructure consenting and delivery, as the Government is aware. New Zealand's infrastructure challenges require a long-term perspective, a 25 year plus national infrastructure strategy and pipeline is critical for ensuring efficient and effective infrastructure delivery.

Omission of obligations with respect to Te Tiriti o Waitangi

While the draft Bill requires Ministers to give effect to obligations arising under Treaty settlements, it is silent on the obligations of Te Tiriti o Waitangi. There is no requirement on the Crown to protect and uphold iwi and hāpu rights and interests as outlined in Te Tiriti o Waitangi. Engineering New Zealand is committed to supporting the profession to uphold the principles of the Treaty. The Bill must require all persons performing functions and exercising powers under it to act in a manner consistent with the Treaty of Waitangi.

Environmental safeguards

We are concerned that environmental limits and targets will be overwritten by Ministers and that there is no environmental safeguarding in the draft Bill.

Clause 32 of Schedule 4 prioritises the Bill's development goals over existing environmental protections established by the Resource Management Act. This hierarchy will sideline environmental safeguards and bypass established national environmental directions. Sustainability is meeting the needs of the present generation without compromising the ability of future generations to meet their own needs. Unprecedented powers in the Bill will overwrite legislation established to ensure we are maintaining New Zealand for future generations. This is evidenced by Clause 17(5) which allows projects with prohibited RMA activities to potentially bypass crucial environmental safeguards and risks long-term damage to New Zealand's natural environment.

Lack of transparency on projects to be listed in Schedule 2

We are concerned with the lack of transparency on Schedule 2 of the Bill. The addition of projects into Schedule 2 following consultation prevents public scrutiny and feedback, which are the foundations of good governance. Without transparency on Schedule 2, we are unable to respond to the breadth and depth of impacts of this piece of legislation.

Conclusion

Engineering New Zealand appreciates the opportunity to provide comment on the Bill. As outlined, we commend Government's efforts to get projects moving across New Zealand but do not support the Bill in its current form.

¹ Please refer to He Rau Aroha's submission. He Rau Aroha is a collective of Māori professionals working in the infrastructure sector. Engineering New Zealand supports the concerns raised by this collective on the impacts of this Bill on iwi and hapu.

We ask the Environment Committee to reconsider the fundamentals of the Bill, particularly the Crown's obligations with respect to Te Tiriti o Waitangi, environmental safeguards and public transparency.

If we can be of further assistance, please contact us.

Ngā mihi

A handwritten signature in blue ink, reading "R. Templer". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Dr Richard Templer
Chief Executive