



## PROACTIVE RELEASE COVERSHEET

<b>Minister</b>	Bishop	<b>Portfolio</b>	RMA Reform
<b>Subject Matter</b>	Fast Track Approvals Bill	<b>Date to be published</b>	24 May 2024

### List of documents that have been proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
11 Dec 2023	AM23-0698: Aquaculture proposals for Resource Management (fast-track consenting and other matters) Amendment Bill	Ministry of Primary Production
18 Dec 2023	AM23-0715 - Enabling aquaculture through the Fast-track consenting Amendment Bill	Ministry of Primary Production
19 Dec 2023	AM23-0734 - Aquaculture opportunities and fast track regime – supplementary information for meeting with officials	Ministry of Primary Production
	MO24-0142 – MfE Decisions table MPI annotation	Ministry of Primary Production
20 Dec 2023	AM23-0748 - Design proposals for the Fast-Track Consenting regime – supplementary information for Ministerial meeting	Ministry of Primary Production
23 Jan 2024	Briefing note: A permanent fast-track consenting regime for regional and national projects of significance	Ministry of Primary Production
	Precis - Fast Track Consenting Cabinet Paper 23 January 2024	Ministry of Primary Production
	MO24-0051 - Decisions on fast-track legislation delegated decisions Paper #1 for the Minister for Oceans and Fisheries	Ministry of Primary Production
	MO24-0067 - Decisions on FT Paper 2 – MPI.MBIE	Ministry of Primary Production
27 Feb 2024	MO24-0144 - Comments for Minister on FTC papers	Ministry of Primary Production
29 Feb 2024	B24-0175 - Integrating the Undue Adverse Effects on fishing test into the Fast-Track Consenting Bill	Ministry of Primary Production
4 Mar 2024	Cabinet Paper Summary 385 Fast track approval bill approval for introduction	Ministry of Primary Production
5 Mar 2024	MO24-0116 - Fast-Track Approvals Bill – Talking points on potential benefits for aquaculture and water storage	Ministry of Primary Production
	MPI comments on draft Fast-Track Consenting Bill received 23.2	Ministry of Primary Production

4 Mar 2024	Fast-Track Approvals Bill: Approval for Introduction	Ministry of Primary Production
19 Jan 2024	A permanent fast-track consenting regime for regional and national projects of significance	Ministry of Primary Production

**Information redacted YES**

Any information redacted in this document is redacted in accordance with the Ministry for the Environment’s policy on proactive release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

**Summary of reasons for redaction**

Some information has been withheld for the reasons of a) maintaining legal privilege, b) to protect the privacy of natural persons and c) maintain the constitutional convention protecting the confidentiality of advice rendered by Ministers and officials



**To:** Hon Shane Jones, Minister for Oceans and Fisheries  
**From:** Julie Collins, Deputy Director-General Policy and Trade

## Aquaculture proposals for Resource Management (fast-track consenting and other matters) Amendment Bill

<b>Date</b>	11 December 2023	<b>Reference</b>	AM23-0698
-------------	------------------	------------------	-----------

### Purpose

- This aide-memoire provides you with an overview of proposals for inclusion in the Resource Management (fast-track consenting and other matters) Amendment Bill (the Bill), for you to seek agreement to. You have directed officials to progress your priorities through the Bill to enable aquaculture growth, including through:
  - the high-level design for the fast-track consenting process in the proposed Bill; and
  - proposals for other matters that could be included in the Bill to improve aquaculture management (through changes to the RMA and related instruments).
- The proposals are designed to enable Ministers to instruct officials in the drafting process and have been provided to the Ministry for the Environment (MfE) as part of the cross-agency process. These recommendations have been informed by existing proposals, including those in the Natural and Built Environment Act 2023 and the Minister for Regional Development's draft Bill.

### Background and next steps

1. Cabinet invited the Minister Responsible for RMA Reform, informed by the draft Nationally and Regionally Significant Projects and Other Matters Bill from the Minister of Regional Development, to report to Cabinet in January on a fast-track consenting regime so a Bill can have its first reading in the first 100 days. We anticipate that this Bill will be introduced in March 2024.
2. As part of this work, MfE is leading design of:
  - a) a fast-track consenting process; and
  - b) RMA changes to enhance the primary sector.

3. Officials will continue working with MfE to provide input into the policy design and initial advice to the Minister for the Environment. We expect that MfE's initial briefing to the Minister for the Environment on the Bill's design and scope will be forwarded to you later this week.
4. There will be further opportunities for you to provide feedback into the process, including through Cabinet processes on policy proposals.
5. We can provide further advice on the options within this briefing as requested.


**Key design choices need to be made for fast-track consenting to effectively enable aquaculture**

6. Decisions are being made on the high-level design of fast-track consenting. To ensure the fast-track consenting process effectively enables aquaculture, these design decisions need to consider the unique features of aquaculture's management and regulatory regime. These include aquaculture's interactions with other legislation such as the Fisheries Act 1996, and the Māori Commercial Aquaculture Claims Settlement Act 2004.
7. This aide-memoire provides some proposals for your consideration relating to the design of the fast-track process, that are intended to achieve effective outcomes for aquaculture. You could raise these proposals with other Ministers. These are contained in **Appendix One**.

*Other proposals for inclusion in the Bill to enable aquaculture*

8. We have outlined some matters that we recommend you consider for inclusion in the Bill. The analysis reflects the urgency and importance of the issues (in terms of aquaculture growth and scale of impact), as well as what is achievable for this Bill given the timeframes. These are contained in **Appendix One**.

*We have identified examples of specific aquaculture projects that could be considered for inclusion in the Bill for referral to the fast-track consenting process, based on level of national or regional importance and whether information is likely to be ready for inclusion.*

9. 9(2)(f)(iv) 

**Minister / Minister's Office**

Seen / Referred

/ / 2023



## Appendix One: Proposals for inclusion

### Fast-track consenting process design

Issue	We recommend that:
<p><u>Scope of the fast-track consenting process</u></p>	<ul style="list-style-type: none"> <li>• aquaculture projects are within the scope of the fast-track process, where they are regionally significant, as consistent with the draft Bill;</li> <li>• any aquaculture settlements issued be included in the scope of the process (see below for further recommendations around settlement); and</li> <li>• decisions on whether an aquaculture project meets the test of regional or national significance are made by the Minister for Oceans and Fisheries, in consultation with the Minister of Conservation.</li> </ul>
<p><u>How decisions are made on what gets consented in the fast-track process</u></p>	<ul style="list-style-type: none"> <li>• the Minister for Oceans and Fisheries be responsible for making decisions on consents for aquaculture projects, in consultation with the Minister of Conservation;</li> <li>• decisions on granting consents have regard to national direction (consistent with the COVID-19 fast-track process), with changes to the New Zealand Coastal Policy Statement (NZCPS) as recommended below; and</li> <li>• the Minister for Oceans and Fisheries be enabled to make decisions on consents that are prohibited in regional plans, where this is appropriate.</li> </ul>
<p><u>How decisions are made on conditions on consents once a consent has been granted</u></p>	<ul style="list-style-type: none"> <li>• provision be made for expert advice on aquaculture consenting to be required as part of the decision-making process;</li> <li>• Ministers be able to specify the parties that can input into the decision-making process on consent conditions; and</li> <li>• the mechanisms included in the draft Bill to enable fast-track changes or cancellations of a condition of consents be retained.</li> </ul>
<p><u>How the fast-track process interacts with settlement</u></p> <p>The fast-track process must uphold the intent of the Māori Commercial Aquaculture Claims Settlement Act 2004 (MCACSA).</p>	<ul style="list-style-type: none"> <li>• existing aquaculture settlement areas are protected;</li> <li>• consents in new areas are treated as ‘new space’ under the MCACSA;</li> <li>• the fast-track process considers how settlement space is allocated under MCACSA if fast-track aquaculture consents are approved; and</li> <li>• projects within aquaculture settlement areas are eligible for fast-track consenting.</li> </ul>

<u>How the fast-track process interacts with other key legislation<sup>1</sup></u>	<ul style="list-style-type: none"> <li>options are considered to address Undue Adverse Effects (on fishing) test (which is required under the Fisheries Act before aquaculture farming can start) as part of the fast-track process.</li> </ul>
--	---

### General changes to RMA


Issue for inclusion	We recommend:
---------------------	---------------

9(2)(f)(iv)

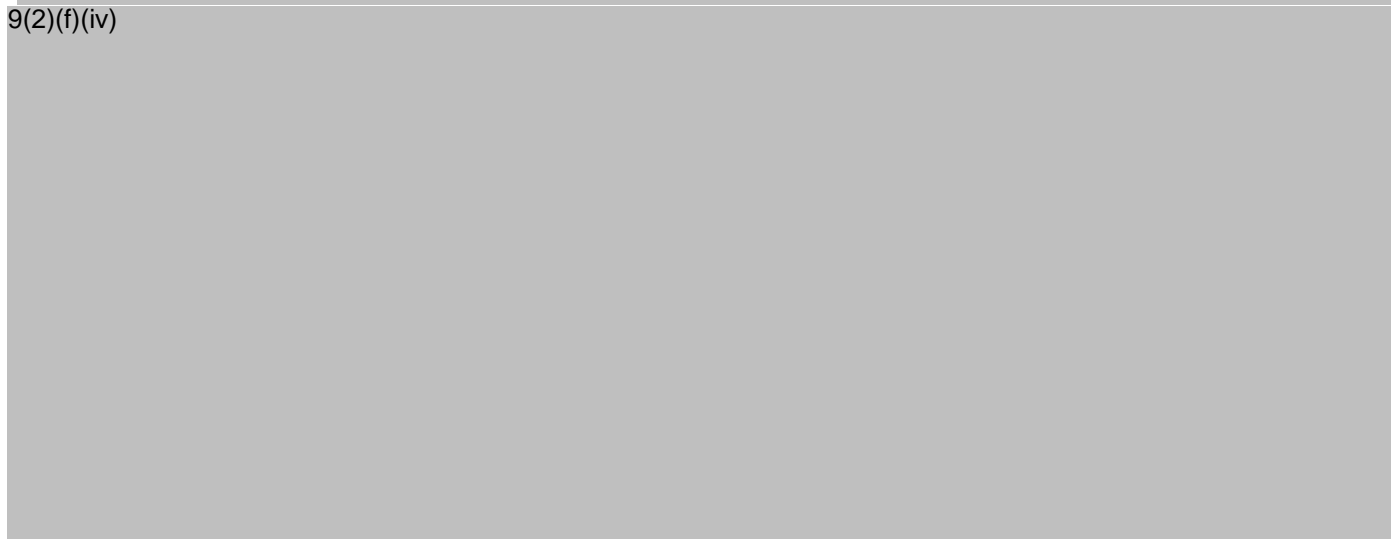
9(2)(f)(iv)

<sup>1</sup> Other key legislation that will need to be considered alongside the Fisheries Act includes biosecurity, international and other marine legislation (including the Marine and Coastal Area (Takutai Moana) Act).


9(2)(f)(iv)




9(2)(f)(iv)



9(2)(f)(iv), 9(2)(b)(ii)



9(2)(f)(iv), 9(2)(b)(ii)





**To:** Hon Shane Jones, Minister for Oceans and Fisheries  
**From:** Julie Collins, Deputy Director-General Policy and Trade

## Enabling aquaculture through the Fast-track consenting Amendment Bill

<b>Date</b>	18 December 2023	<b>Reference</b>	AM23-0715
-------------	------------------	------------------	-----------

### Purpose

- This aide-memoire provides information to support the discussion with officials you requested on the opportunities and design choices required for the proposed Fast-track consenting Amendment Bill (the FTC Bill) to enable aquaculture growth.
- These options are set out in **Appendix One** and **Two** and we recommend these are the focus for your discussion with officials on 20 December:
  - a) **Appendix One**: high-level design features of a fast-track consenting regime (FTC) to promote aquaculture growth as proposed by MPI; and
  - b) **Appendix Two**: options to improve the management of aquaculture that is not subject to a FTC regime (through changes to the Resource Management Act 1991 (RMA) and related instruments).

### Background

1. Ministry for Primary Industries (MPI) officials previously provided you with advice on key aquaculture proposals to be included in the scope of the FTC Bill and other targeted amendments to the RMA that could be progressed through the FTC Bill (AM23-0698 refers). MPI also shared this advice with the Ministry for the Environment (MfE).

### Agencies are seeking high level decisions on the scope of an FTC Bill

2. MfE has requested initial decisions on the key design choices to deliver an FTC regime within the first 100 days. The key design choices were informed by MPI's analysis in **Appendix One** of what is required in the FTC regime to enable aquaculture.
3. MfE has also requested decisions on targeted amendments to the RMA that could be made through the FTC Bill. <sup>9(2)(f)(iv)</sup> [REDACTED]

4. Officials recommend that Ministers meet to make decisions in the week starting 18 December 2023. Following decisions on scope, officials will prepare immediate follow-up advice to achieve Ministerial objectives for the FTC regime within 100 days, and how to progress other amendments.

### **A more certain and enabling consenting system is needed to address the unique challenges for aquaculture**

5. The proposals in **Appendices One** and **Two** are what MPI officials consider are required to deliver a more certain and enabling consenting system for aquaculture – within both an FTC regime and wider changes to the RMA and related instruments.
6. There are multiple barriers in the current regulatory and planning framework which result in uncertain consenting outcomes for new aquaculture projects. These include a lack of consistent implementation of national direction, a lack of planning for where aquaculture should and should not occur, and an absence of fit for purpose planning provisions in many regions.
7. One of the key barriers for aquaculture development is the lack of consistent interpretation and implementation of the New Zealand Coastal Policy Statement 2010 (NZCPS) and regional coastal plans. Poor consenting outcomes arise when consent authorities cannot effectively reconcile NZCPS policies with regional coastal plans.
8. There are also challenges related to the interpretation of the NZCPS, as decision makers cannot undertake an ‘overall broad judgement’ approach and weigh policies alongside each other. This is particularly limiting for aquaculture activities as the policies protecting environmental values<sup>1</sup> are restrictive and mean that the positive effects of aquaculture cannot offset potential adverse effects on other values. This creates uncertain consenting outcomes as decision-makers are required to assess aquaculture activities and their impact on environmental values on a case-by-case basis.
9. In practice, this means that there is a high cost, time, and uncertainty associated with the current consenting processes for new aquaculture projects. This reduces the industry’s confidence to invest in aquaculture projects and risks impacting projects that can support the social and economic well-being of key regions in New Zealand.

### **The FTC process can provide for more certain outcomes for significant aquaculture projects if it contains key features addressing the factors above**

10. Faster consenting processes can help reduce costs and time for applicants and present an opportunity for a more certain consenting pathway. To be effective, an FTC regime will need to include several key design features reflected in **Appendix Two**.

---

<sup>1</sup> Environmental policies refer to policies 11 and 15 of the NZCPS which relate to indigenous biodiversity and natural features and landscapes. 9(2)(f)(iv)

11. An FTC regime solely enabling an FTC process is unlikely to make a material difference for aquaculture without providing increased certainty through different statutory tests than the RMA when proposals are considered, and consent conditions are applied.
12. Different statutory tests than the existing RMA framework could include exemptions from national direction, or reduced requirements in relation to national direction. If the FTC regime does not provide different statutory tests, specific changes will need to be made to relevant national direction (such as limiting the geographical application of the NZCPS).
13. While enabling aquaculture consents through the FTC Bill is our preferred option, we acknowledge the above design choices may create complexity and require additional time for drafting. This needs to be balanced with delivery of the Bill within the 100-day timeframes.

**Amendments to the RMA are also needed to enable aquaculture**

14. Other changes would be needed alongside the FTC regime to address some of the wider challenges with the regulatory and planning framework for the management of aquaculture. <sup>9(2)(f)(iv)</sup>

9(2)(f)(iv)

9(2)(f)(iv)

16. MPI has capacity to lead amendments to the RMA and can work with MfE and DOC to provide joint advice to the Minister for Oceans and Fisheries, the Minister for the Environment, and the Minister of Conservation on priority amendments.

**Engagement with the aquaculture industry**

17. MPI have undertaken initial engagement with Aquaculture New Zealand, including on the high-level design of FTC regime and subsequent amendments to the RMA needed to enable aquaculture.

---

<sup>2</sup> MPI considers the FTC Bill to be the most appropriate and timely vehicle to progress a consent extension policy as this is time-sensitive in nature. See **Appendix Two** for more detail.

18. Aquaculture New Zealand have expressed support for proposals that improve consenting certainty, and provided more detailed advice on options through FTC and related RMA amendments. We will continue to work with the industry on these proposals to inform our advice to you and MfE.

### **Next steps**

19. Following our discussion with you on 20 December 2023, we will provide further advice on the key design choices on FTC and the targeted amendments to the RMA to better enable aquaculture consenting.
20. At this stage, we expect key policy decisions on design of FTC legislation to be provided to Ministers in mid-January, with Cabinet considering policy proposals in late-January or early February 2024.
21. We will also provide advice on further improvements for aquaculture that could be progressed outside of the FTC regime by April 2024.

### **Minister / Minister's Office**

Seen / Referred

/ / 2023



**Appendix One: FTC design choices to maximise improvements to aquaculture management proposed by MPI**

Component of FTC process	MPI recommendation	Rationale and benefits	Considerations and risks	Alternative option
Projects within scope FTC	<p>Include within scope all aquaculture projects and activities considered nationally or regionally significant, including:</p> <ul style="list-style-type: none"> <li>• Marine farms</li> <li>• Land-based farms, hatcheries and associated infrastructure</li> <li>• Iwi projects within Aquaculture Settlement Areas.</li> </ul> <p>This could be achieved by either:</p> <ul style="list-style-type: none"> <li>• Specifying aquaculture as an activity within scope, or</li> <li>• Ensuring broader purpose and criteria set out in legislation is suitable for aquaculture.</li> </ul> <p><i>and</i></p> <p>Design FTC to only apply to the territorial sea, and later explore options to extend to the EEZ.</p>	<p>Either approach to ensuring significant aquaculture projects are in scope will be effective. However specifying aquaculture may:</p> <ul style="list-style-type: none"> <li>• Provide more certainty</li> <li>• Enable more tailored criteria and thresholds</li> <li>• Allow a designated role of agencies supporting proposals in particular domains/sectors.</li> </ul> <p>Extending to the EEZ in future has merit (particularly for open ocean aquaculture), however adds complexity and time, including in relation to iwi rights and interests, and can be considered later.</p> <p>Projects within aquaculture settlement areas should be considered within scope without having to meet the 'national or regional significance' test. This is because they are usually only going to be 20% of the size of other farming in the region so unlikely to meet that test. It would be bad faith to offer a more efficient process to private applicants but not iwi.</p>	<p>There is not currently an agreed understanding of Māori rights and interests in relation to aquaculture in the EEZ.</p> <p>If EEZ is considered - then standalone legislation is likely necessary, and would create the ability to design independently of RMA constraints.</p>	<p>Enable EEZ applications in the FTC but delay commencement of provisions until a specified date.</p>
Role of the Minister for Oceans and Fisheries	<p>Minister for Oceans and Fisheries, in consultation with the relevant Ministers, applies significance test and makes referral decisions on marine aquaculture projects.</p> <p>Wider Ministers involved for land-based aquaculture activities, including the Minister for the Environment.</p>	<p>Close involvement of the Minister for Oceans and Fisheries allows a more effective strategic approach to aquaculture development and coordinated allocation of space, including:</p> <ul style="list-style-type: none"> <li>• Ensuring the Crown's aquaculture settlement obligations can be effectively delivered</li> <li>• Appropriately considering biosecurity risks</li> <li>• Strategic marine spatial planning.</li> </ul>	<p>Ensuring that there is joint decision-making with the Minister for the Environment and/or the Minister for Conservation to support integrated management.</p>	<p>Minister for Oceans and Fisheries, in consultation with Ministers of Conservation <i>and Infrastructure and Finance</i> apply the significance test and make consent decisions on marine aquaculture projects.</p> <p>Ensure Minister for the Environment and Minister for Conservation <i>consult</i> with Minister for Oceans and Fisheries for aquaculture projects (not preferred).</p>
Pathways for decision-making on consents	<p>Multiple pathways for projects should be enabled through FTC:</p> <ul style="list-style-type: none"> <li>• Listed in legislation (automatically granted), and</li> <li>• Consents decided by Ministers (informed by panel/agencies on specific matters as desired, see below), and</li> <li>• Consider ability for Ministers to decide to refer consents decisions to expert consenting panel (who have limited criteria to refuse).</li> </ul>	<p>9(2)(f)(iv)</p> <p>Ability for Ministers to decide consents against criteria set out in legislation also provides certainty and ensures the information requirements are front-loaded.</p> <p>Ministers' ability to refer consents to a panel allows a balanced approach for projects with greater uncertainty, where further information and expert input is required to inform decision.</p>	<p>9(2)(f)(iv)</p> <p>It will be important to communicate what the criteria and thresholds for approval/rejection are so the applicant provides the correct level of information up-front. It is likely that MPI/agencies will need to assess the applications prior to decisions.</p> <p>To address public perception and inform good decisions, checks and</p>	<p>Only allow projects to be listed in legislation or decided by Ministers (with panel only advising not deciding on consents).</p> <p>Other options suggested, such as a panel or Board of Inquiry making all consent decisions, do not reflect a significant shift from the status quo, and present the same uncertainty of outcome (not preferred).</p>

Component of FTC process	MPI recommendation	Rationale and benefits	Considerations and risks	Alternative option
			<p>balances are needed (such as appropriate support for Ministers deciding consents, and access to technical expertise).</p> <p>Determine how and when iwi, (targeted) public and regional planning participation should occur, including which parties should input on at the consent stage vs conditions stage.</p>	
Decision-making for conditions once consent is granted	<p>Establish a technical advisory/statutory body to work with applicants to develop and make decisions on conditions.</p> <p><i>Or</i></p> <p>Delegate development of conditions to agencies (via Chief Executive delegation).</p> <p><i>and</i></p> <p>Ministers can specify which additional parties can input on decision-making process for conditions, including expert aquaculture input, iwi and council participation as needed.</p> <p><i>and</i></p> <p>Introduce feedback mechanisms to allow a change or cancellation of conditions, and to pause the decision-making process where further information or expert caucusing is required.</p> <p><i>and</i></p> <p>Provide guidance to panels on dealing with uncertainty and developing consistent and appropriate consent conditions.</p>	<p>Need to avoid overly stringent consent conditions that frustrate the initial consent and overall FTC purpose.</p> <p>Also need to preserve the autonomy of the decision maker. A robust layer of independent peer review, quality control and access to expertise can be built into the development of conditions in line with legislation, while upholding the intent of the consent decision.</p> <p>Ministers' ability to specify which parties can input on decision-making process is where expert, community, iwi, council input could occur, which is particularly important for aquaculture.</p> <p>Need to allow for iterative development of consent conditions, for example the ability to refine conditions with more information, ability to reapply from the beginning, and pause proposal as needed.</p> <p>Guidance for how panels should deal with uncertain effects (for example managing adverse effects via monitoring and adaptive management) would promote consistent and appropriate conditions commensurate with uncertainty.</p>	<p>Balance between level of control over decision-making and autonomy of advisory body – there are risks of public perception if advisory body is not sufficiently independent.</p> <p>Advisory body must comprise of or have access to aquaculture expertise, particularly for novel activities.</p> <p>Need to involve councils as appropriate. Especially delicate for proposals which override their plan, as councils may be reluctant to offer a public view in this situation.</p>	<p>Advisory panel develops conditions and seeks Ministerial agreement to them. This would provide more certainty and a closer link between consent and condition decision-making, though heightens perception risks regarding independence.</p>



<p>Criteria and weighting for assessing projects and designing consent conditions</p> <p><i>and</i></p> <p>Interactions with RM national direction and regional plans</p>	<p>Establish bespoke FTC legislation outside of the RMA, with a specific purpose and tailored criteria for informing consent decisions.</p> <p><i>or</i></p> <p>Amend the RMA to establish FTC but introduce a specific purpose that is distinct from the RMA and ensure this informs decision-making on consents.</p> <p><i>and</i></p> <p>Integrate certain RMA statutory tests as appropriate, with adjustments required to achieve goals of FTC and government priorities. This could include:</p> <ul style="list-style-type: none"> <li>• “Taking into account” national direction and regional plans, alongside other criteria set out in legislation, and/or</li> <li>• Exclude or reframe how particular national direction applies to FTC (see NZCPS amendments below for options to address current aquaculture barriers).</li> </ul>	<p>Multiple regulatory barriers are creating uncertain consenting outcomes for aquaculture. These include inconsistent implementation of national direction, a lack of planning for where aquaculture should and should not occur, and inadequate planning provisions in many regions.</p> <p>To improve on the status-quo and achieve the certainty of outcome sought, the FTC process must address these and enable more than a faster consent process, through amending how the objectives, policies and thresholds are assessed against aquaculture projects.</p> <p>Progressing FTC through bespoke legislation separate to the RMA would be most effective, as the criteria and objectives would be specifically tailored to enable the granting of significant consents and to a modern aquaculture context. This provides greater flexibility in the scope of the FTC process, and would better enable extension of scope to include the EEZ.</p> <p>If the FTC process is to be nested in the RMA instead, amending the weight given to RMA national direction would reduce barriers from NZCPS ‘avoid’ policies, which would then be considered among other objectives rather than bottom-lines. In the short-term, this is likely more straightforward and effective than directly amending national direction (which would often then need to flow through to plans to have effect).</p>	<p>Bespoke FTC legislation would take more time to develop than an RMA amendment Bill. The purpose, criteria and objectives within the legislation would need to be designed to enable significant consents to be granted, across a range of sectors and domains, while considering existing RMA direction and provisions as appropriate.</p> <p>Options that do not integrate with RMA would be controversial and may create a fragmented approach to resource and coastal management.</p> <p>Question of how much invalidation of plans and national direction is justified, and whether activities that are classed as prohibited or non-complying in plans can be considered. This depends on the number of consents, and in what circumstances this is appropriate (for example outdated plans).</p> <p>Clear criteria for assessing projects against will reduce the risk of judicial review.</p>	<p>Remove aquaculture management from the RMA entirely and managing it under bespoke aquaculture legislation (where projects could then be progressed through the FTC process (pending future advice on long term aquaculture management and work on RMA replacement)).</p> <p>Creating zones within regional coastal plans with specific rules and requirements (via Minister for Oceans and Fisheries’ s360A regulation-making powers), and then progressing projects in these zones through the FTC process.</p>
<p>Interactions with MCACSA Settlements</p>	<p>Protect existing Aquaculture Settlement Areas.</p> <p><i>and</i></p> <p>Enable projects within Aquaculture Settlement Areas to progress through FTC.</p> <p><i>and</i></p> <p>Consider introducing mechanisms in FTC to proactively provide for future settlement space, for example:</p> <ul style="list-style-type: none"> <li>• Grant of consent triggers MPI working with iwi to find suitable space, or</li> <li>• Minister must consider advice on how proposals in the coastal marine area affect the remaining suitable space for aquaculture development, and the Crown’s ability to deliver the aquaculture settlement.</li> </ul>	<p>Enabling settlement projects to progress through FTC can support and incentivise iwi to seek and utilise space-based settlements.</p> <p>Faster timeframes for consents through FTC, plus more consents being granted in total, will mean less time to work with iwi to identify new space, and creates risk that remaining space is of lower quality (and less attractive as a settlement asset) if space is not proactively identified.</p> <p>This risks the ability of the Crown to deliver on its settlement obligations, may hinder iwi aspiration for a space-based settlement, and would increase the financial burden of the Crown when settling for cash. This justifies a more proactive approach being introduced in the FTC process.</p>	<p>(See risks of inaction).</p> <p>If FTC is progressed through bespoke legislation rather than an RMA amendment, need to ensure FTC consents granted for new areas are considered ‘new space’ under MCACSA.</p>	<p>No requirement to consider or trigger settlement actions until after consent is granted (status quo).</p>
<p>Including approvals outside of RMA through FTC (for aquaculture: Fisheries Act)</p>	<p>Assess feasibility of undertaking Undue Adverse Effects (on fishing) test [UAE] once consent is granted and conditions are being developed.</p> <p><i>or</i></p>	<p>To be a true ‘one-stop-shop’, the FTC process would also need to provide for a UAE test and land-based aquaculture permits (both under the Fisheries Act), and therefore provide for approvals outside of the RMA.</p> <p>The UAE test already has triggers in the RMA which could be carried over with relative ease. However, the UAE test is not</p>	<p>Consider who undertakes the UAE test and provides expert input, establish the role of the advisory board, and whether any changes to the test are required.</p>	<p>Trigger UAE at a different stage of the FTC process.</p>

<p>approvals for Undue Adverse Effects on fishing test and land-based permits)</p>	<p>Require applicants to undertake UAE as per normal RMA processes once consent and conditions are finalised (status quo).</p> <p><i>and</i></p> <p>Consider options to grant land-based aquaculture permits through FTC process.</p>	<p>historically a barrier for aquaculture projects, with very few failed tests, and limited concern from industry. The process for providing for a UAE test as outside of the RMA through FTC also provides for consideration of existing rights and uses and as such carries limited risk.</p>		
--	---	---	--	--

**Appendix Two: Additional aquaculture changes to pursue through either the Fast Track Bill/amendment or further RMA Amendment Bill planned**

---

Additional matters to progress/consider

Opportunity

Rationale and benefits

Considerations and risks

Alternative option


MPI recommendation

9(2)(f)(iv)

9(2)(f)(iv)



9(2)(f)(iv)





**To:** Hon Shane Jones, Minister for Oceans and Fisheries  
**From:** Dan Bolger, Deputy Director-General Fisheries New Zealand

## **Aquaculture opportunities and fast track regime – supplementary information for meeting with officials**

---

<b>Date</b>	19 December 2023	<b>Reference</b>	AM23-0734
-------------	------------------	------------------	-----------

### **Purpose**

- This aide-memoire provides you with a slide deck (**Appendix One**) covering:
  - a) opportunities to grow the aquaculture industry; and
  - b) fast track consenting proposals.
- Refer to AM23-0715 for detailed advice relating to fast-track consenting and other matters for consideration.
- The content will be discussed with you at the officials meeting on 20 December.

**Minister / Minister's Office**

Seen / Referred

/ / 2023



## Appendix One: Slide Deck

---

# Growing the aquaculture sector

Fisheries New Zealand

December 2023



Fisheries New Zealand

Tini a Tangaroa

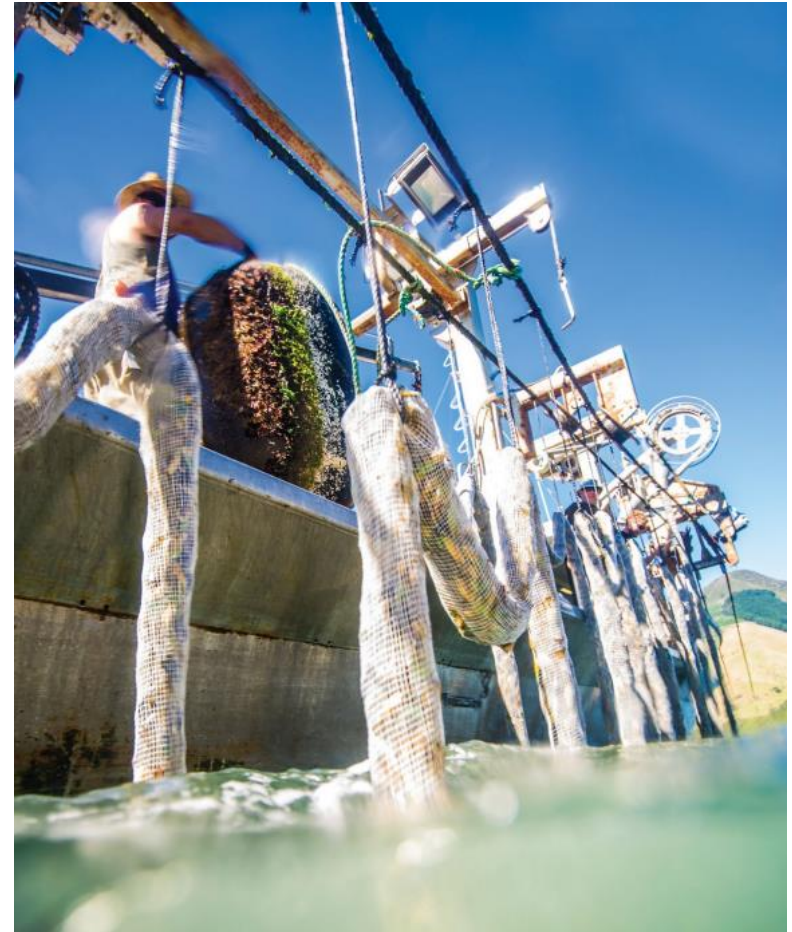
# Opportunities for aquaculture growth

## Growth opportunities

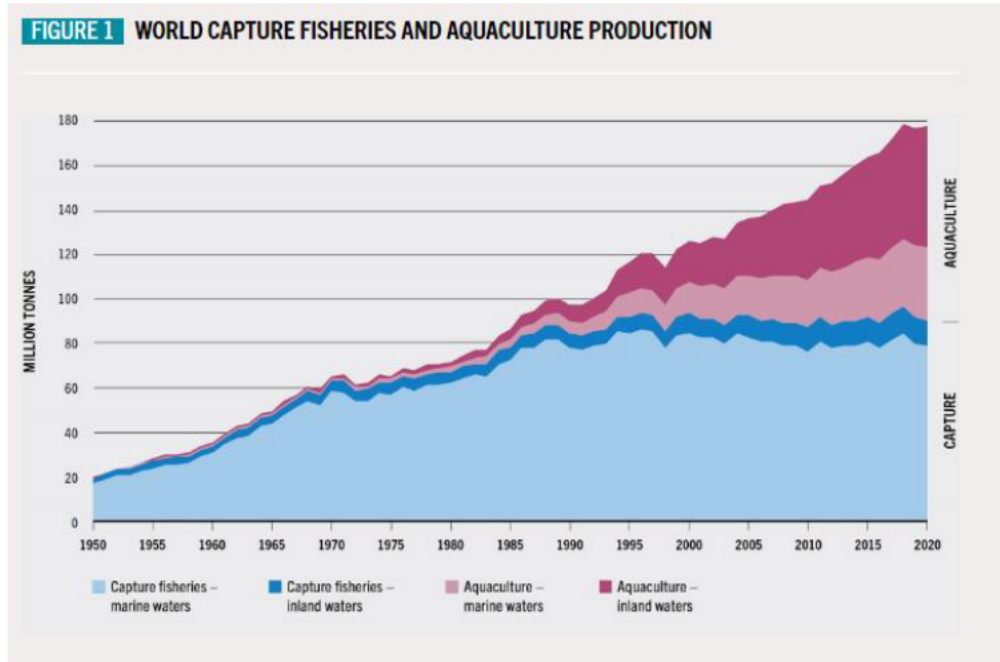
- Aquaculture as a growth sector
- Aquaculture settlement
- Workforce planning
- Research for adaptation
- Biosecurity management
- New opportunities

## Improving consenting

- Proposals for fast track and other matters



# Wild catch is stable, aquaculture is growing



- Global aquaculture production has caught up to wild capture, and continues to grow
- Wild capture dominates in NZ

**Table 7: Seafood export revenue 2019-25**

Year to 30 June, NZ\$ million

Product	Actual					Forecast	
	2019	2020	2021	2022	2023	2024	2025
Wild capture	1,509	1,399	1,363	1,448	1,569	1,650	1,750
Aquaculture	454	458	426	471	528	610	650
<b>Total export value</b>	<b>1,963</b>	<b>1,857</b>	<b>1,789</b>	<b>1,919</b>	<b>2,097</b>	<b>2,260</b>	<b>2,400</b>
<b>Year-on-year % change</b>	<b>10%</b>	<b>-5%</b>	<b>-4%</b>	<b>8%</b>	<b>9%</b>	<b>8%</b>	<b>6%</b>



**Fisheries New Zealand**

Tini a Tangaroa



# New Zealand's aquaculture industry

## Farmed right here

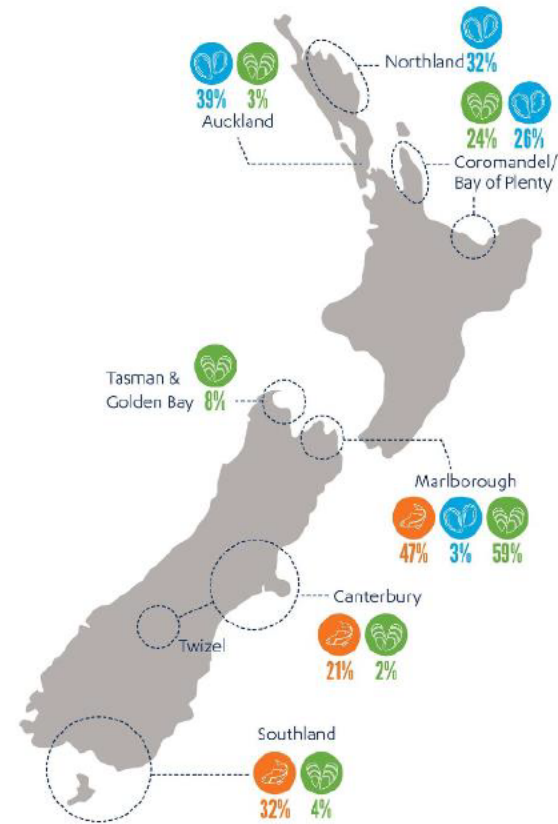
-  Greenshell mussels
-  King salmon
-  Pacific oysters



Regional jobs & income

**3,000+** people employed in aquaculture

Estimated by Aquaculture New Zealand.



Fisheries New Zealand

Tini a Tangaroa

# Growth opportunities

Figure 37: Five key species account for 61 percent of export revenue

Rock lobster	\$429 million ▲ 36.9%	2,997 tonnes ▲ 24.5%
Mussels	\$352 million ▲ 15.8%	29,456 tonnes ▼ -4.8%
Hoki	\$241 million ▲ 17.3%	37,878 tonnes ▼ -9.8%
Salmon	\$158 million ▲ 6.1%	5,928 tonnes ▼ -16.1%
Squid	\$107 million ▼ -34.6%	16,768 tonnes ▼ -52.0%

## 1. Maximise the value of the current industry

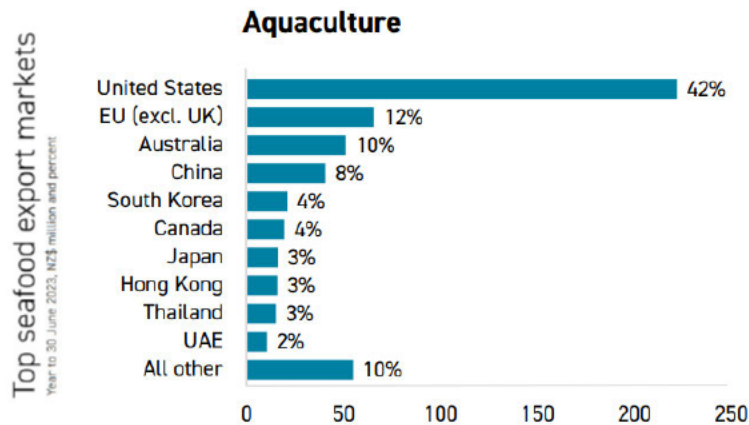
- Aquaculture exports worth \$528m in 2023
- Green-lipped mussels dominate; spat supply an issue
- ~260 consents to renew by end of 2024

## 2. Develop open ocean salmon aquaculture

- Grow from 15,000 to 60-70,000 tonnes
- Biggest opportunity
- Needs better consenting

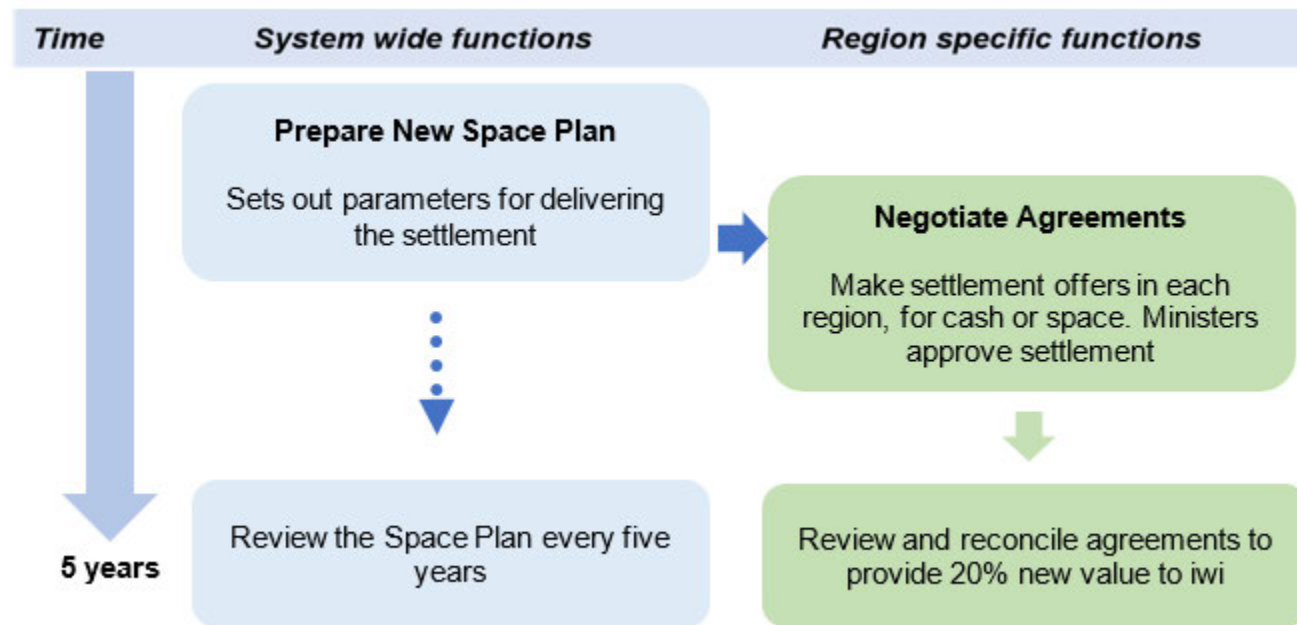
## 3. New opportunities

- Seaweed and warm water finfish
- Needs regulatory framework and research



# Aquaculture settlement

- Settlement provides 20% of aquaculture and new growth, as cash or right to apply for space
- Mostly cash so far but space-based settlements better support iwi-led growth
- Including settlement projects in fast-track consenting regime makes space-based settlement more attractive
- Minister and Cabinet have approval roles



# Developing the workforce

- Workforce availability is a challenge to meeting growth ambitions.
- AQNZ has a workforce action plan focused on career pathways, improving perceptions, pastoral care.
- NZIER estimates workforce of 5,000-6,700 needed for \$3b industry, depending on product mix (mussels more labour intensive than salmon) and level of automation.



Regional jobs & income

**3,000+** people employed  
in aquaculture

Estimated by Aquaculture New Zealand.



Future aquaculture workforce

Results from interviews and modelling

NZIER report to the Ministry for Primary Industries  
October 2023



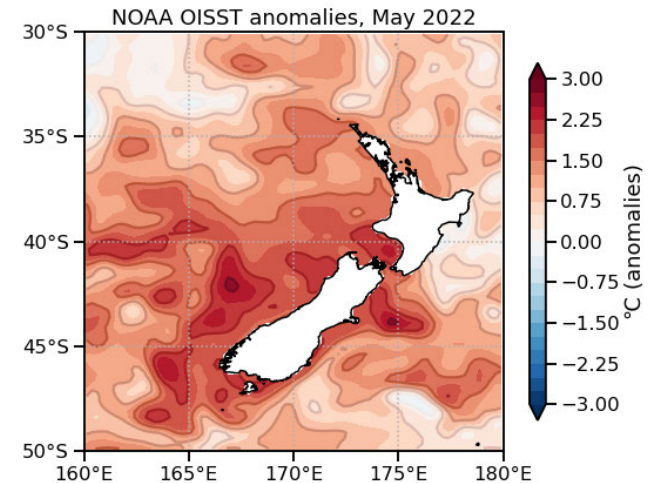
Fisheries New Zealand

Tini a Tangaroa



# Improving resilience to ocean temperature change

- Marine heatwaves have caused:
  - high mortality in salmon
  - 90% mortality of Coromandel mussel spat
- Industry and government are supporting research to improve thermal tolerance – including land-based hatcheries, selective breeding
- Open ocean salmon farming in cooler water in southern parts of New Zealand creates resilience



*Mussel spat hatchery in Nelson*



# Biosecurity management system

- Biosecurity management supports sector resilience
- Aquaculture biosecurity can be difficult to manage
  - farming creates high density populations
  - regional movement can enable spread
- Aquaculture Biosecurity Programme proposes
  - on-farm or pathway management
  - better recordkeeping and reporting
  - compliance
- Paper seeking Minister direction Q1 2024



*Bonamia ostreae* is a parasite that kills flat oysters (aka Bluff oysters). MPI oversees rules and restrictions to stop its spread.

# New aquaculture opportunities

## Other species

- NIWA investing in commercial scale kingfish farming with first harvest expected December 2023
- Some early interest in farming snapper and other salmon species



## Seaweed and microalgae

- Opportunities include:
  - algae-based food
  - bio-pharmaceuticals
  - soil bio-stimulant
- Some barriers under Fisheries Act



Kingfish: Courtesy of NIWA

# Fast track: initial design choices

- The Minister for Resource Management has been asked to decide:
  - Whether FTC is under the RMA or separate
  - Whether the FTC purpose is the same as the RMA
  - Whether FTC covers only RMA approvals or more
  - Whether FTC approvals are approved on referral
  - What activities can use FTC



Open ocean salmon farming concept: Blue Endeavour | NZ King Salmon



Mussel farm in Marlborough Sounds: SPATnz



# Fast track: aquaculture design choices


Proposals	Rationale	Priority for Bill?
Include aquaculture in fast track Bill	<ul style="list-style-type: none"> <li>Either as specified projects, or via purpose</li> <li>Promotes space-based settlements with iwi</li> <li>Consider infrastructure: ports, roads, hatcheries</li> </ul>	Yes
Minister for Oceans and Fisheries as decision maker	<ul style="list-style-type: none"> <li>Allows a strategic approach</li> <li>Ensures aquaculture settlement allowed for</li> <li>Ensure technical aquaculture matters appropriately considered</li> </ul>	Yes
Criteria for deciding consents is different to existing RMA tests	<ul style="list-style-type: none"> <li>Inconsistent implementation of national direction and inadequate planning provisions for aquaculture crest uncertainty</li> <li>Criteria and objectives could be specifically tailored to a modern aquaculture context</li> </ul>	Yes
9(2)(f)(iv)		
Protect existing settlement areas and better enable settlement projects	<ul style="list-style-type: none"> <li>Fast track regime improves prospect of space-based settlements</li> <li>Need to actively seek settlement space to reduce the risk of iwi being shut out of quality aquaculture space due to fast-paced processes</li> </ul>	Yes

# Fast track: targeted amendments

The fast-track bill will include targeted amendments to the RMA

This is the only confirmed opportunity to deliver changes for aquaculture, including:

9(2)(f)(iv)



**Annotated MfE table: Key design choices required to progress development of FTC Bill**

Topic	Proposal	MfE advice	MfE Risks/Mitigations	Minister responsible for RMA reform 18/12/23 decision	MPI aquaculture recommendation	MPI aquaculture commentary
Should this be a standalone piece of legislation or an amendment to the RMA?	<p>There are two options:</p> <p>A stand-alone piece of legislation with its own purpose</p> <p>or</p> <p>An amendment to the RMA to include a FTC regime</p>	<p>MBIE and Te Waihanga prefer a standalone piece of legislation (as per the FTCA), with an explicit focus on enabling regionally/nationally significant infrastructure and development proposals.</p> <p>They consider this is the most effective way to provide a permanent, durable regime that includes the ability to bring in other non-RMA approvals as required to enable a 'one stop shop' for activities. The FTCA provides a template to work from in relation to RMA approvals – acknowledging this can be improved on the basis of experience. In addition, MBIE considers that this legislation could include multiple statutory approvals in a 'one stop shop' – noting that further work is needed on how this will operate.</p> <p>MfE officials agree that a separate stand-alone piece of legislation has the potential to be a 'one-stop shop' for approvals providing certainty for applicants and decision makers. Similar to FTCA, this can create implementation and timeliness benefits.</p> <p>Separate legislation would need its own Treaty clause to ensure Māori rights and interests are not 'balanced out'<sup>4</sup> and meet Treaty obligations, including to actively protect Māori rights and interests. These matters would require additional analysis and engagement.</p> <p>The extent of departure from RMA processes and the desire to make other changes to the RMA will influence the choice between an RMA amendment or a stand-alone piece of legislation.</p> <p>PCO will advise on the most efficient manner in which to draft the policy proposals, which can include advising on whether stand-alone legislation or amendments to an existing Act would result in the fastest drafting outcome to facilitate introduction within the 100 days period.</p>	<p>Any FTC legislation would need to ensure that Treaty settlements and other rights and arrangements are upheld.</p> <p>While separate legislation would increase the complexity of this task, it would give rise to similar issues as including fast track in the RMA.</p> <p>Engagement with Treaty partners would mitigate these risks to an extent. However, given the tight timeframe, undertaking engagement to the extent required, and drafting new legislation, may be challenging.</p>	<p><b>Agreed</b> to a stand-alone piece of legislation with its own purpose</p>	<p>Standalone legislation with a purpose independent from the RMA.</p>	<p>Two options can achieve the FTC outcomes sought and be effective for aquaculture:</p> <ul style="list-style-type: none"> <li>standalone legislation, or</li> <li>amendment to the RMA, but with a specific and distinct purpose that informs decision-making on consents.</li> </ul> <p>Progressing FTC through standalone legislation separate to the RMA would be most effective, as the purpose and criteria/tests could be specifically tailored to support significant consents being granted. This provides greater flexibility in the scope of FTC, for example the potential to include EEZ projects over time.</p>
Is the purpose of the RMA sufficient or appropriate for FTC?	<p>There are three options for the purpose of FTC legislation:</p> <p>the RMA purpose and principles</p> <p>a separate purpose, subject to the RMA purpose and principles</p> <p>a separate purpose with no link to the RMA purpose</p>	<p>FTC that is subject to the purpose and principles of the RMA allows for a cohesive decision-making model across the RMA (Part 25) and RMA planning instruments for which there is established jurisprudence. Additional thought will be needed on how to ensure existing links between Treaty settlements and the RMA are maintained.</p> <p>A separate purpose not linked to the RMA could clarify the role of FTC and also positively influence decisions on, and improve certainty for, applications. Consideration would need to be given to an appropriate Treaty clause and provisions to ensure Treaty settlements are upheld.</p> <p>FTC with a separate purpose, but also subject to the RMA purpose and principles could provide additional certainty for approvals and have similar benefits to those above. These are difficult</p>	<p>The choices between using the RMA purpose and creating a separate purpose are connected to, but fairly independent of, the choice whether the FTC regime should be in a standalone Act or an amendment to the RMA. PCO will advise on drafting complexity.</p>	<p><b>Noted</b> that MfE recommends FTC be subject to the RMA purpose and principles alongside the development of a specific purpose for FTC.</p> <p><b>Noted</b> that Te Waihanga and MBIE's preferred option is a clear purpose that enables the public benefits of infrastructure, housed in standalone legislation.</p> <p><b>Agreed</b> to the RMA purpose and principles</p>	<p>Implement FTC as standalone legislation with a purpose and assessment criteria independent from the RMA.</p>	<p>Creating an FTC regime with a purpose independent of the RMA gives the greatest flexibility for the Government to achieve its objectives for FTC, and could better overcome barriers to development within the RMA.</p> <p>Decisions on how the RMA purpose and principles apply to the FTC regime must occur alongside wider decisions on the interaction between the RMA and FTC – specifically whether and how RMA statutory tests will apply. This relates particularly to how the NZCPS and regional coastal plan provisions interact with FTC decisions. If these apply as normal, this will undermine the effectiveness of the FTC for aquaculture.</p> <p>If FTC is instead nested in the RMA, amending the weight given to RMA national direction would be</p>

**Annotated MfE table: Key design choices required to progress development of FTC Bill**

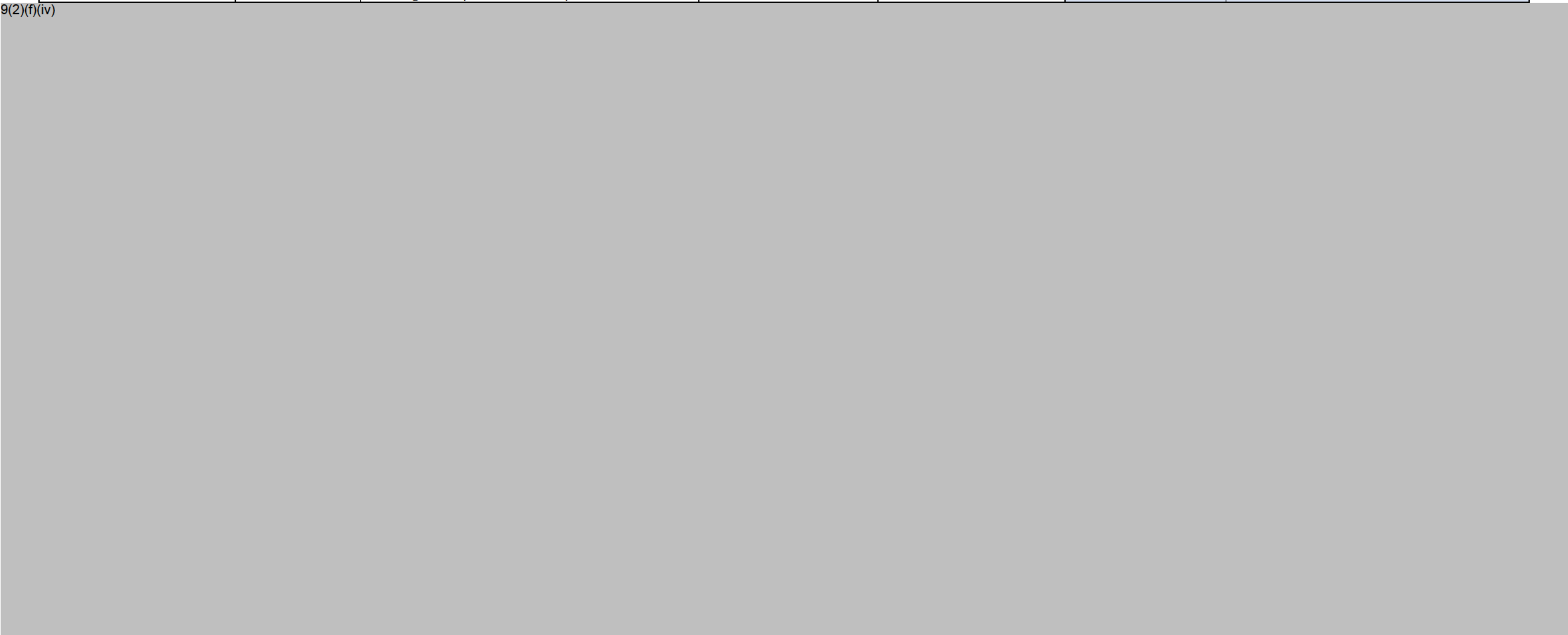
Topic	Proposal	MfE advice	MfE Risks/Mitigations	Minister responsible for RMA reform 18/12/23 decision	MPI aquaculture recommendation	MPI aquaculture commentary
		<p>to ascertain until more analysis is undertaken. If this approach is preferred, there are options to ensure the overall intent of the FTC and RMA considerations can be achieved.</p> <p>A new purpose (subject to the RMA or not) may provide for outcomes to be realised faster. This would rely on drafting and weight being given to the purpose and depend on the outcomes that the process is seeking to achieve. Developing a clear separate purpose and determining regulatory system implications requires additional policy analysis.</p> <p>MfE recommends that FTC be subject to the RMA purpose and principles alongside the development of a specific purpose for FTC (this is consistent with the approach taken in the FTCA). Te Waihanga and MBIE also agree that a clear purpose that enables the public benefits of infrastructure is preferred, and that the FTCA provides a template to work from.</p>				<p>necessary to address barriers from NZCPS 'avoid' policies (which would then be considered among other objectives rather than bottom-lines).</p>
<p>Does the process only provide approvals under the RMA or approvals under other legislation?</p>	<p>The are two options:</p> <p>RMA approvals only</p> <p>Or</p> <p>approvals under the RMA and other legislation (for example, under the Wildlife Act 1953, Reserves Act 1977, Conservation Act 1987, Heritage New Zealand Pouhere Taonga Act 2014, Crown Minerals Act, Public Works Act, Fisheries Act)</p>	<p><i>Approvals under multiple acts</i></p> <p>Including non-RMA approvals under FTC to provide a 'one stop shop' for applicants would require aligning processes and decision making across different legislation, ensuring Treaty settlement obligations that relate to different pieces of legislation are upheld (eg, the Conservation Act 1987 and the Reserves Act 1977). Wider stakeholder engagement would be necessary, including with other Ministers where they are the decision maker under those Acts.</p> <p>Most non-RMA approvals require different assessments and information. Meaning any application would require information and expertise across various legislation adding complexity and cost of a fast-track process for applicants. Any process that includes approvals from other legislation increases the scale and complexity of analysis and drafting (for PCO).</p> <p><i>Approvals under only the RMA</i></p> <p>Limiting FTC to RMA approvals aligns with the RMA and FTCA. It also ensures the integrity of existing case law and RMA planning documents guiding decision making. Existing FTC procedural and administrative provisions could also be replicated.</p> <p><i>Officials' views</i></p> <p>MBIE prefers fast-track legislation that brings multiple statutory approvals in a 'one stop shop' – noting that</p>	<p>There are multiple complexities to the option of including non-RMA approvals in the FTC Bill within the 100 days period. These include policy and engagement requirements and drafting complexity.</p> <p>All relevant legislation will interact with Treaty settlements to varying degrees – understanding these interactions and ensuring settlement provisions are upheld will take time and require engagement with affected settled entities.</p>	<p><b>Noted</b> that officials do not recommend the inclusion of non-RMA approvals in an FTC Bill if it is to be introduced in the first 100 days.</p> <p><b>Agreed</b> to RMA approvals only</p> <p><b>Agreed</b> that further work be undertaken to determine which approvals would be appropriate, and direct officials to provide advice on how these could be added to the regime over time if desired.</p>	<p>Assess feasibility of undertaking UAE test through FTC (once consent is granted and conditions are being developed).</p> <p><i>and</i></p> <p>Assess options to grant land-based aquaculture permits through FTC process.</p>	<p>The Undue Adverse Effects on fishing test (UAE test) already has triggers in the RMA which could be carried over relatively easily.</p> <p>However the UAE test is not historically a barrier for aquaculture projects, with very few failed tests, and limited concern from industry. While ideally FTC would be a one-stop-shop that includes approvals outside the RMA, without this function the FTC can still increase certainty of consenting for aquaculture (with UAE test and Fisheries Act land-based permits being applied after consent is granted).</p>



**Annotated MfE table: Key design choices required to progress development of FTC Bill**

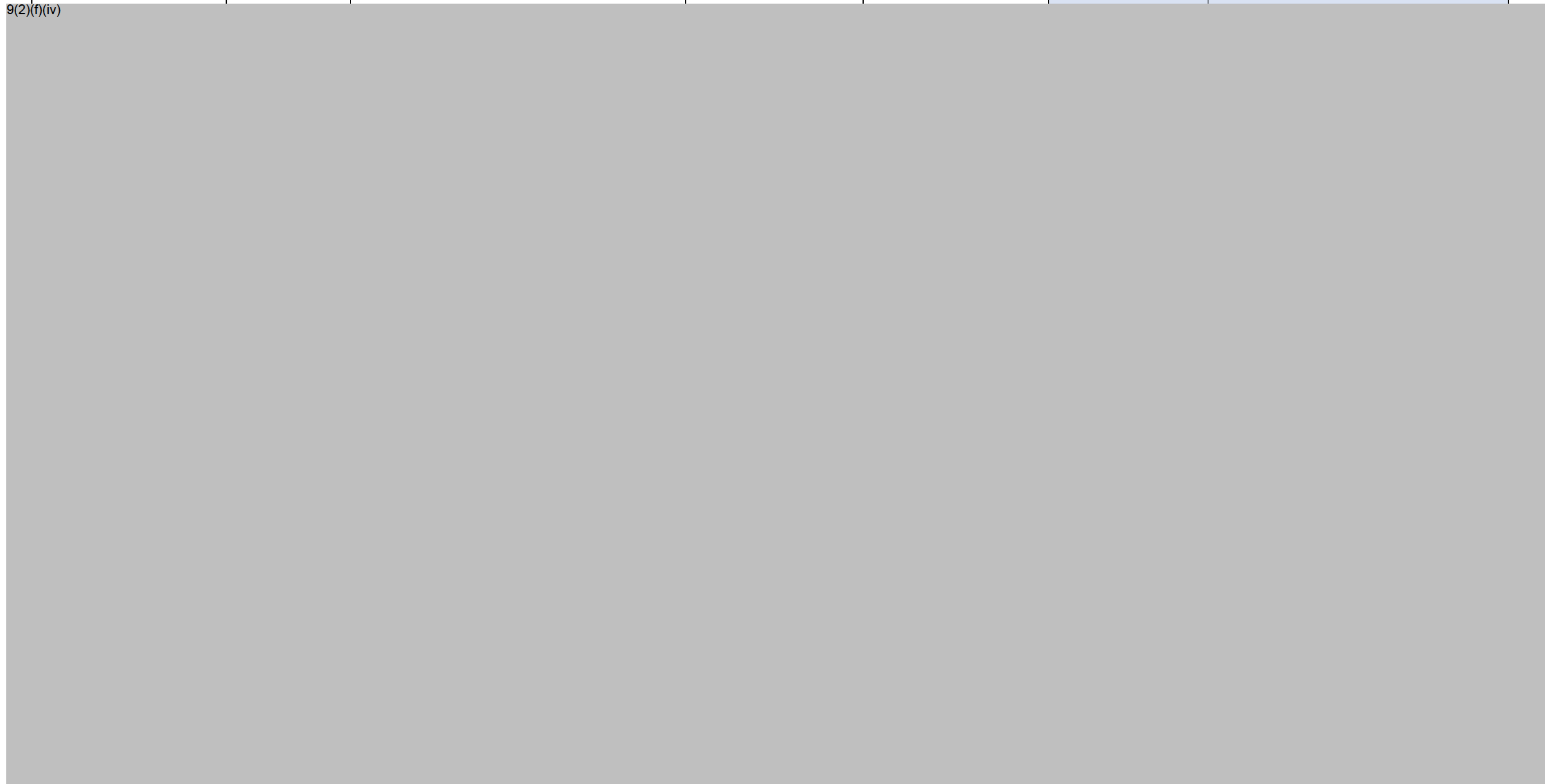
Topic	Proposal	MfE advice	MfE Risks/Mitigations	Minister responsible for RMA reform 18/12/23 decision	MPI aquaculture recommendation	MPI aquaculture commentary
		<p>further work is needed on how this will operate, or which permissions should be in scope. For example, there are different ways a one stop shop could work – eg, all decision making under one statutory process, some alignment/cross reference between statutes, or administrative coordination between decisions (or some combination of these).</p> <p>Acknowledging the short timeframes to develop legislation, MBIE and MfE consider officials should look at options to sequence development of Ministers’ preferred approach.</p> <p>We recommend you direct officials to look at options to sequence development of Ministers’ preferred approach, eg, whether it is necessary to focus on RMA consenting in the first instance and add other statutory decisions over time (eg, via a Supplementary Order Paper (SOP) to the Bill or through subsequent amendments).</p>				

9(2)(f)(iv)



**Annotated MFE table: Key design choices required to progress development of FTC Bill**

Topic	Proposal	MfE advice	MfE Risks/Mitigations	Minister responsible for RMA reform 18/12/23 decision	MPI aquaculture recommendation	MPI aquaculture commentary
-------	----------	------------	-----------------------	---	--------------------------------	----------------------------



9(2)(f)(iv)

What type of activities can use FTC?	There are three options for the type of activities that can use the FTC regime:	Limiting FTC to specific activities provides clarity of the purpose of FTC and greater certainty for applicants and decision-makers on whether particular projects would or should be approved. This supports an efficient approval process at ministerial referral stage.	Allowing a broader range of activities may create uncertainty for applicants and decision makers about which projects would or should be approved.	<b>Noted</b> that officials recommend clarity on the nature of specified activities, and a set of criteria to help determine what other activities may be eligible.	MPI supports specifically defining the types of activities eligible (including aquaculture). The following activities need to	Either option can be designed to work for aquaculture. However specifying the types of eligible activities will: <ul style="list-style-type: none"> <li>• Allow more tailored criteria and thresholds for specific activities</li> </ul>
--------------------------------------	---	--	--	---	---	--

**Annotated MFE table: Key design choices required to progress development of FTC Bill**

Topic	Proposal	MfE advice	MfE Risks/Mitigations	Minister responsible for RMA reform 18/12/23 decision	MPI aquaculture recommendation	MPI aquaculture commentary
	specific activities such as housing and infrastructure (could also include other government priorities such as aquaculture and mineral extraction) or any activity that delivers public benefit or meets a certain purpose or criteria or projects that meet a regional or national significance test	Despite FTCA allowing a broad range of activities, officials noted there are specific types of activities that regularly used FTCA; these are primarily infrastructure and housing related activities. We can provide additional information on this matter, should you direct this.  Requiring activities to meet a regional or national significance test has the potential to limit the pool of activities that can apply. In addition, there may be confusion and duplication with the existing provisions of the RMA for direct referral and Nationally Significant Proposals.  The range of activities that could use fast-track or the scope of FTC will have an impact on multiple ministerial portfolios. For instance, mineral permits, mining on conservation land and approvals in EEZ. Officials can also provide additional advice on appropriate decision makers (i.e. Ministers) once you have considered and decided on the key choices above.	It also requires a more extensive review of an application before it is referred, potentially reducing efficiency (and increasing cost) by requiring applicants to provide more in-depth information at the referral stage to show they meet the criteria.	<b>Agreed</b> the type of activities that can use the FTC are specific activities such as housing and infrastructure and other government priorities such as aquaculture and mineral Extraction.	be included within the definition of aquaculture: <ul style="list-style-type: none"> <li>• Marine farms</li> <li>• Land-based farms, hatcheries and associated infrastructure</li> <li>• Iwi projects within Aquaculture Settlement Areas.</li> </ul>	<ul style="list-style-type: none"> <li>• Enable agencies to have designated roles in assessing particular domains/sectors</li> <li>• Potentially reduce uncertainty when significance and/or public benefit tests are applied</li> </ul>

Targeted amendments to the RMA and national direction

9(2)(f)(iv), 9(2)(g)(i)





**To:** Hon Shane Jones, Minister for Oceans and Fisheries  
**From:** Julie Collins, Deputy Director-General Policy and Trade

## Design proposals for the Fast-Track Consenting regime – supplementary information for Ministerial meeting

---

<b>Date</b>	20 December 2023	<b>Reference</b>	AM23-0748
-------------	------------------	------------------	-----------

### Purpose

- This aide-memoire provides you with materials (**Appendix One**) to support your discussion with Ministers on the design of the Fast-Track Consenting regime, taking place on 20 December 2023.
- Refer to AM23-0715 for more detailed advice relating to aquaculture considerations in the design of the Fast-Track Consenting regime.

**Minister / Minister's Office**

Seen / Referred

/ / 2023

## Appendix One: Points for Discussion at Ministerial Meeting on Fast-Track Consenting Regime

Key design choice	Recommendation	Agreed / Not Agreed
Form and purpose of legislation	<ul style="list-style-type: none"> <li>• <b>Standalone legislation</b> separate from RMA with a purpose of enabling infrastructure and development activities.</li> </ul>	<p>Agreed</p> <p>Not Agreed</p>
Decision-making tests	<ul style="list-style-type: none"> <li>• <b>Decisions on consents and conditions have specific tests set in standalone legislation to meet purpose</b> (that is, relevant RMA tests or national direction could be considered, but subordinate to provisions of new legislation).</li> </ul>	<p>Agreed</p> <p>Not Agreed</p>
RMA approvals only, or other legislation as one-stop shop	<ul style="list-style-type: none"> <li>• <b>Bring together multiple approvals</b>; and</li> <li>• <b>to help meet timeframes</b>, start with approvals that require similar information and objectives (for example, RM consents, Wildlife Act, EEZ consents) and provide a mechanism to incorporate more over time.</li> </ul>	<p>Agreed</p> <p>Not Agreed</p>
How are projects referred to FTC	<ul style="list-style-type: none"> <li>• Projects or activities listed in the Bill; and</li> <li>• further projects or activities can be referred by Ministers.</li> </ul>	<p>Agreed</p> <p>Not Agreed</p>
Are FTC projects approved in principle when referred	<ul style="list-style-type: none"> <li>• <b>Approve consents at referral</b> subject to strong vetting of projects; and</li> <li>• <b>Panels cannot decline</b> but can impose conditions.</li> </ul>	<p>Agreed</p> <p>Not Agreed</p>
Threshold for FTC projects	<ul style="list-style-type: none"> <li>• Have a <b>significance threshold</b> for approval so the process does not get bogged down in small consents; and</li> <li>• <b>no restriction on sectors</b> that can apply.</li> </ul>	<p>Agreed</p> <p>Not Agreed</p>

<p>Make limited targeted amendments to enable development</p>	<ul style="list-style-type: none"> <li>Changes to national direction instruments and section 6 of the RMA to better enable energy and minerals activities;</li> </ul> <p>9(2)(f)(iv)</p>	<p><b>Agreed</b></p> <p><b>Not Agreed</b></p>
<p>How is the work done</p>	<ul style="list-style-type: none"> <li>Joint Ministers (RM Reform, Transport, Energy, Resources, Fisheries) to receive advice and agree decisions;</li> <li>needs a <b>cross agency team with development-focused agencies in the room</b> and joint sign-off of this advice to joint Ministers; and</li> <li>Officials will provide further advice on this, and how new regime might be run – for example, a more development-focused expert unit to run the application process and put advice to Ministers (this may not need to be part of the legislative design).</li> </ul>	<p><b>Agreed</b></p> <p><b>Not Agreed</b></p>



<b>Cabinet Paper Title</b>	A permanent fast-track consenting regime for regional and national projects of significance
<b>Lead Ministers</b>	Hon Chris Bishop, Minister Responsible for RMA Reform
<b>Lead Agencies</b>	Ministry for the Environment (MfE)
<b>Committee</b>	Cabinet
<b>Committee Date</b>	Tuesday 23 January 2024

<b>Summary of Cabinet Paper</b>	<p>We understand that you have been forwarded this draft Cabinet paper, and that your feedback is sought by Monday 15 January 2024.</p> <p>This paper seeks agreement to:</p> <ul style="list-style-type: none"><li>a) key policy decisions to provide for a permanent fast-track consenting regime that will provide a more efficient pathway for consenting significant infrastructure and development projects, and;</li><li>b) to issue drafting instructions to the Parliamentary Council Office (PCO) to enable a Bill to be introduced within the first one hundred days in office (by 7 March 2024). Further detailed decisions are proposed to be delegated to seven ministers<sup>1</sup> (in consultation with other ministers on matters that are relevant to their portfolios). As Minister for Regional Development, you have been delegated decision-making powers and may consult with the Minister for Oceans and Fisheries.</li></ul> <p>To meet the deadline for introduction of the Bill within the one hundred days of taking office, the Bill will mirror aspects of the Natural and Built Environment Act (NBA) and the COVID 19 Recovery (Fast-track Consenting) Act 2020 (FTCA) regimes where possible to enable faster drafting, but with some differences to better reflect the Government's focus on enabling regional and national projects of significance. The key elements of the permanent regime proposed are:</p> <ul style="list-style-type: none"><li>a) the scope and purpose: the fast-track consenting regime will be provided for in standalone legislation with its own statutory purpose;</li><li>b) approvals: the Bill will only include Resource Management Act 1991 (RMA) approvals (while additional approvals can be added through future amendments);</li><li>c) eligibility criteria: the Bill will enable a broad range of activities (including aquaculture) if the project provides nationally or regionally significant benefits;</li></ul>
---------------------------------	--

<sup>1</sup> The Minister Responsible for RMA Reform, Minister of Housing, Minister for Infrastructure, Minister for Regional Development, Minister of Transport, Minister for Māori Crown Relations, and the Minister of Conservation.



- d) ministerial decisions to refer projects to an Expert Consenting Panel (ECP): the decision to refer a project to an ECP will be made by the responsible Minister; and
- e) decision-making by ECPs: the requirement for ECP to finalise consents within a legislated timeframe. The ECP will make decisions on consent conditions and designations.

Delegated ministers will have the ability to: determine who the responsible Minister is for referring projects to an ECP; decide on the composition and operation of the ECP; approve the purpose of the Bill; and decide on criteria for determining whether a project is national or regionally significant and other eligibility criteria.

9(2)(f)(iv)

The operation of the fast-track consenting regime will be carried out by MfE and the Department of Conservation [where projects are in the Coastal Marine Area (CMA)]. MfE and the Department of Conservation (DOC) will also be responsible for providing advice to the responsible Minister on referral decisions. The Environmental Protection Authority will support panels with secretariat services and help a panel convenor select panel members.

*Other amendments to the RMA*

In December 2023, the Minister Responsible for RMA Reform and Cabinet agreed to progress the following targeted amendments to the RMA:

- a) clarification that resource consent applicants do not need to demonstrate that their proposed activity adheres to the Te Mana o te Wai obligations in the National Policy Statement for Freshwater Management<sup>2</sup>; and

9(2)(f)(iv)

9(2)(h)

9(2)(f)(iv)

**MPI's interest / involvement**

MPI is working with MfE to ensure that the Bill provides a pathway for better enabling aquaculture growth. If designed well, MPI considers the FTC regime has the potential to provide more certain consenting outcomes for aquaculture.

MPI provided advice to MfE on key aquaculture proposals to be included in

<sup>2</sup>As per Cabinet's agreement in December 2023 [CAB-23-MIN-0486 refers].

<sup>3</sup> This category is for legislation which is a government priority and is to be passed by the end of 2024 but has no mandatory deadline.

the scope of the FTC Bill and other targeted amendments to the RMA. We have outstanding concerns on several matters and recommend that you raise these with the Minister responsible for RMA reform. The 'Recommended feedback section' provides more information on areas of support and recommended changes to the draft Cabinet paper.

Previously you have raised concerns about the impact of the New Zealand Coastal Policy Statement 2010 (NZCPS) on aquaculture development. The draft Cabinet paper does not propose any changes to the NZCPS as part of the FTC Bill or as part of a separate targeted amendment Bill. We note that delegated decisions are still required on how the RMA (including the NZCPS) applies to fast-track projects. We will provide you with advice on potential amendments to the NZCPS and its application to the FTC Bill.

**Recommended feedback**

You may wish to raise the following feedback on the draft Cabinet paper to the Minister Responsible for RMA Reform:

Key proposals in the draft Cabinet paper	Recommended feedback
Scope of the Act	We support that the FTC regime will be provided for in standalone legislation (rather than an amendment to existing legislation).
Purpose of the Act	<p>We are broadly comfortable with the purpose of the FTC Bill (noting that this is subject to further refinement). Previously we raised concerns that not including cultural benefits in the purpose statement may make it less likely that notable aquaculture projects (e.g., 9(2)(b)(ii), 9(2)(f)(iv)) will be considered.</p> <p>We recommend including cultural benefits in the purpose statement.</p>
Eligible activities	<p>We support the FTC Bill enabling a broad range of activities (including aquaculture) provided they meet the purpose of the Act and are nationally or regionally significant.</p> <p>We note that MfE has explicitly referenced aquaculture being in scope of the Bill (see para 52 of Appendix 1<sup>5</sup> of the Cabinet paper and para 18 of the BR-4073). We recommend that these provisions are retained to ensure that aquaculture projects can be considered in scope of the Bill as per the National/NZ First Coalition Agreement.</p>
Listed projects	<p>We support the inclusion of a list of individual projects in the new legislation 9(2)(f)(iv)</p> <p>9(2)(f)(iv)</p>

<sup>4</sup> 9(2)(f)(iv)


[REDACTED]

	9(2)(f)(iv)
Delegated decisions Recommendation 5, draft cabinet paper	MPI recommends that the Minister for Oceans and Fisheries is included in the list of delegated decision-makers. This will ensure that he can influence key decisions such as the criteria for determining whether a project is 'nationally or regionally significant', the composition and operation of the ECP, and determining who the responsible Minister is for making referral decisions.
Implementation 35 Agree that the Ministry for the Environment (MfE) (and Department of Conservation when a project is in the Coastal Marine Area) will provide advice to the responsible Minister on referral decisions	The draft Cabinet paper states that agencies are comfortable with DOC giving advice to the responsible Minister on referral decisions when in the CMA. MPI recommends that all relevant portfolio agencies are consulted with when providing advice to the responsible Minister on referral decisions.  MPI recommends changing para 35 to:  Agree that the Ministry for the Environment (and Department of Conservation when a project is in the Coastal Marine Area) will provide advice to the responsible Minister on referral decisions with other relevant portfolio officials (e.g., Ministry of Primary Industries, the Ministry for Business, Innovation and Employment etc.)
Decision-making by Expert Consenting Panels Recommendation 26 Agree that Expert Consenting Panels will have limited discretion to decline projects referred by the minister.	MPI is comfortable with the ECP having limited discretion to recommend projects be declined by the minister, provided that the final decision to decline a project is made by the Minister. MPI notes that the ECP's ability to decline would be under limited circumstances.
Upholding Treaty settlements	MPI is concerned that aquaculture settlement has not been considered in the narrative of upholding Treaty settlements and obligations. We recommend including the following paragraph to Appendix 3:  Consenting for aquaculture under the RMA forms the basis of the Crown's obligations under the Māori Commercial Aquaculture Claims Settlement Act. Aquaculture settlements rely on provisions in the RMA to protect and enable the development of settlement assets that are delivered to iwi.  9(2)(f)(iv)


	<p>Other targeted amendments</p>	<p>9(2)(f)(iv)</p> <p>9(2)(f)(iv)</p> <p><i>NZCPS Matters</i></p> <p>For projects put through the FTC Bill, delegated decisions will be required on how the Bill interacts with the NZCPS. MPI previously recommended that the application of the NZCPS is changed for projects that are considered under the FTC Bill.</p> <p>9(2)(f)(iv)</p>	
<p><b>Key risks</b></p>	<p>Further delegated decisions are proposed on elements of the process that could have significant implications on whether aquaculture projects will be eligible for the fast-track consenting process. These decisions are required by 4 March 2023. It will be important for you as Minister for Oceans and Fisheries to have delegated decision-making powers to be able to influence the development of the FTC regime and progress your interests for aquaculture.</p> <p>There is a risk that the application of the NZCPS may impact projects being considered under the FTC process. We will continue to provide advice to you on the detailed policy decisions including how the NZCPS may impact aquaculture interests.</p> <p>9(2)(f)(iv)</p>		

<b>MPI Contact</b>	Stephanie Hopkins, Aquaculture Policy 9(2)(a) Alastair Cameron, Director, Primary Sector Policy
<b>Date</b>	15 January 2024

9(2)(f)(iv), 9(2)(g)(i)




9(2)(f)(iv), 9(2)(g)(i)






9(2)(f)(iv), 9(2)(g)(i)






9(2)(f)(iv), 9(2)(g)(i)





<b>Cabinet Paper Title</b>	<b>A permanent fast-track consenting (FTC) regime for regional and national projects of significance</b>
<b>Lead Ministers</b>	Hon Chris Bishop, Minister Responsible for RMA Reform
<b>Lead Agencies</b>	The Ministry for the Environment (MfE)
<b>Committee</b>	Cabinet
<b>Committee Date</b>	23 January 2024

<b>Key outstanding issues</b>	<b>The New Zealand Coastal Policy Statement (NZCPS)</b> Delegated decision-making on the FTC regime will determine how the NZCPS applies to aquaculture projects put through the fast-track process, 9(2)(f)(iv)   9(2)(f)(iv) 
-------------------------------	---

**Key updates on the final paper**

Key changes to the paper include:

- The legislation will be a 'one-stop shop' for approvals under other legislation in addition to the RMA.
- You are listed as a delegated Minister in your capacity as Minister for Oceans and Fisheries and the Minister for Resources.
- The Minister of Infrastructure is responsible for referring projects and appointing the Panel Convenor.
- Listed projects will automatically be provided to the Minister of Infrastructure for referral assessment. The Minister will then determine whether an application should be referred (in part or in full) to the EP.
- The Expert Panel has the ability to decline a project referred by the Minister, noting that a very high threshold must be met.
- Expert panel operation: Agencies responsible for supporting the EP will be determined by delegated Ministers (rather than MFE, DOC and the EPA as in the previous version).
- The paper notes that the purpose of the legislation is aimed at enabling infrastructure and other projects that have significant local, regional, and national benefits, while continuing to promote the sustainable management of natural and physical resources for current and future generations. The sustainable management of natural and physical resources has been retained from the RMA system, however there is agreement for delegated Ministers to decide the final purpose.

**Talking points**

**Talking points: NZCPS**

- The National Party & New Zealand First coalition agreement commits to removing regulations that impede the productivity and enormous potential of the seafood sector.

9(2)(f)(iv)

9(2)(f)(iv)

9(2)(f)(iv)

**Talking points: other**

- I support the fast-track consenting process to enable benefits from a wider range of important projects for boosting our economy.
- I support the one-stop-shop approach as it will be more efficient to combine the approvals in the one process to accelerate the authorising of nationally and regionally significant projects.

9(2)(g)(i)

9(2)(f)(iv)

9(2)(g)(i), 9(2)(f)(iv)

<b>MPI Contact</b>	Alastair Cameron, Director, Primary Sector Policy (9(2)(a) )
<b>Date</b>	23 January 2024


**Cabinet paper: A permanent fast-track consenting regime for regional and national projects of significance.**

---

**Key proposals in the  
Cabinet paper**

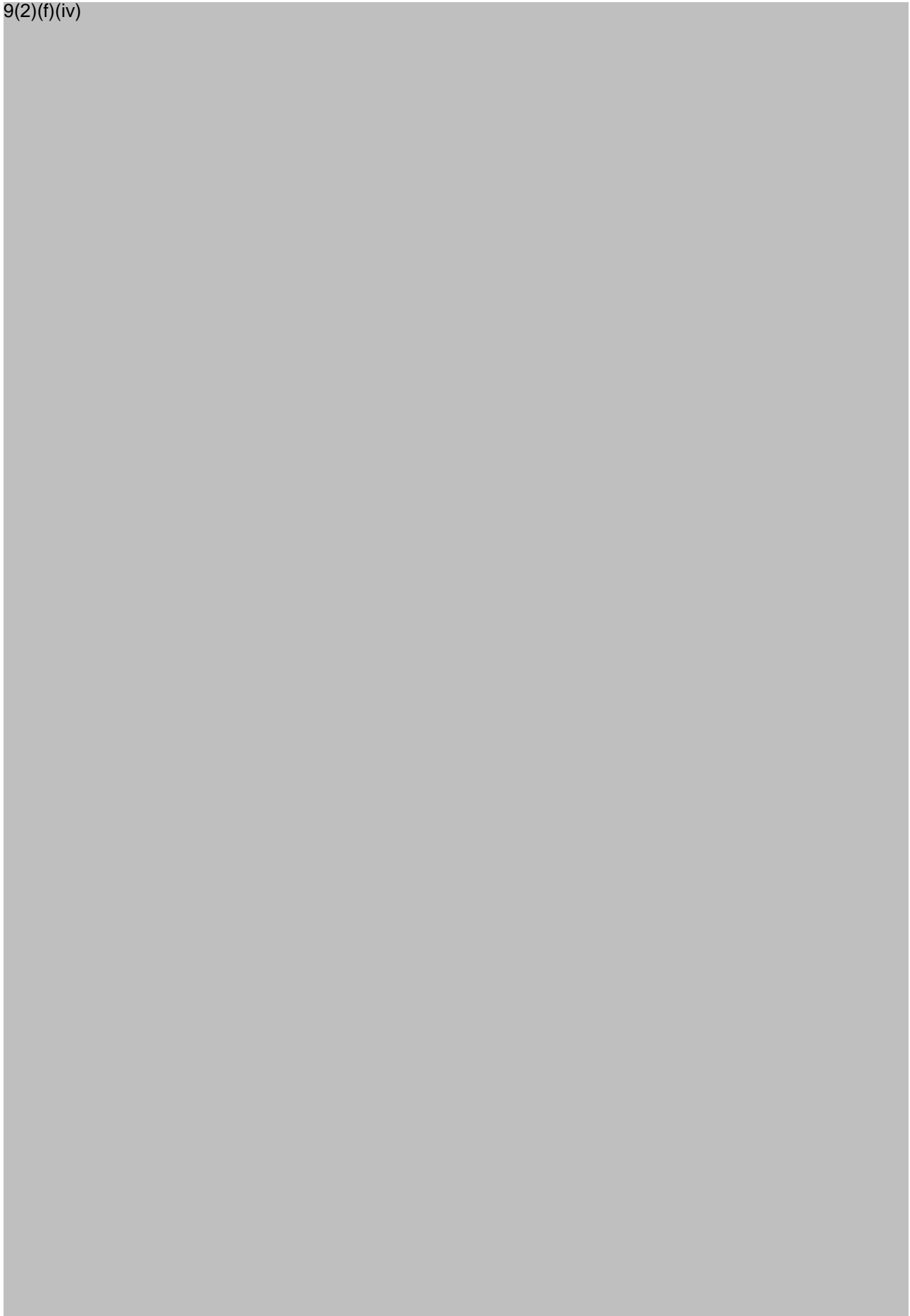
**Feedback**

9(2)(f)(iv)

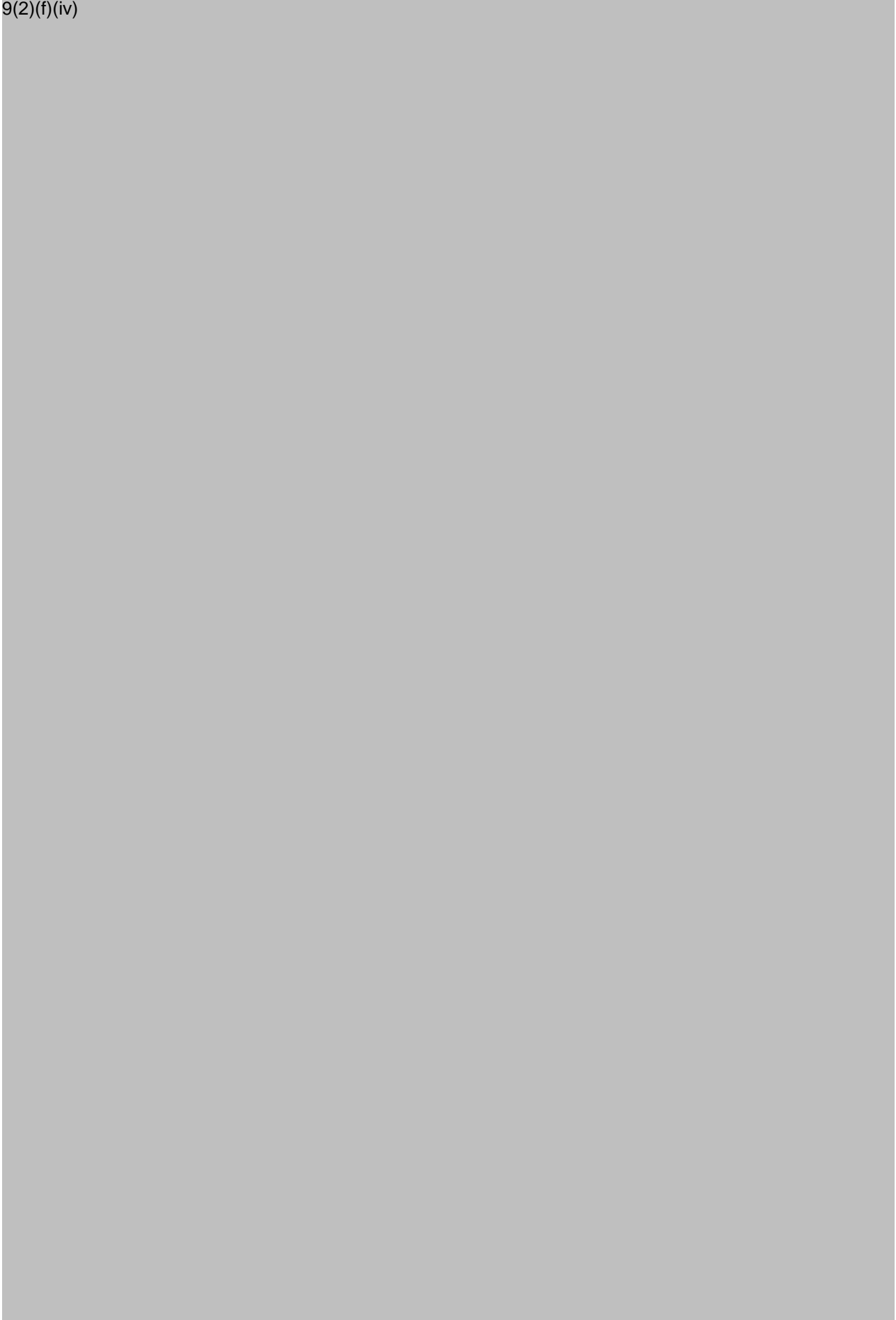




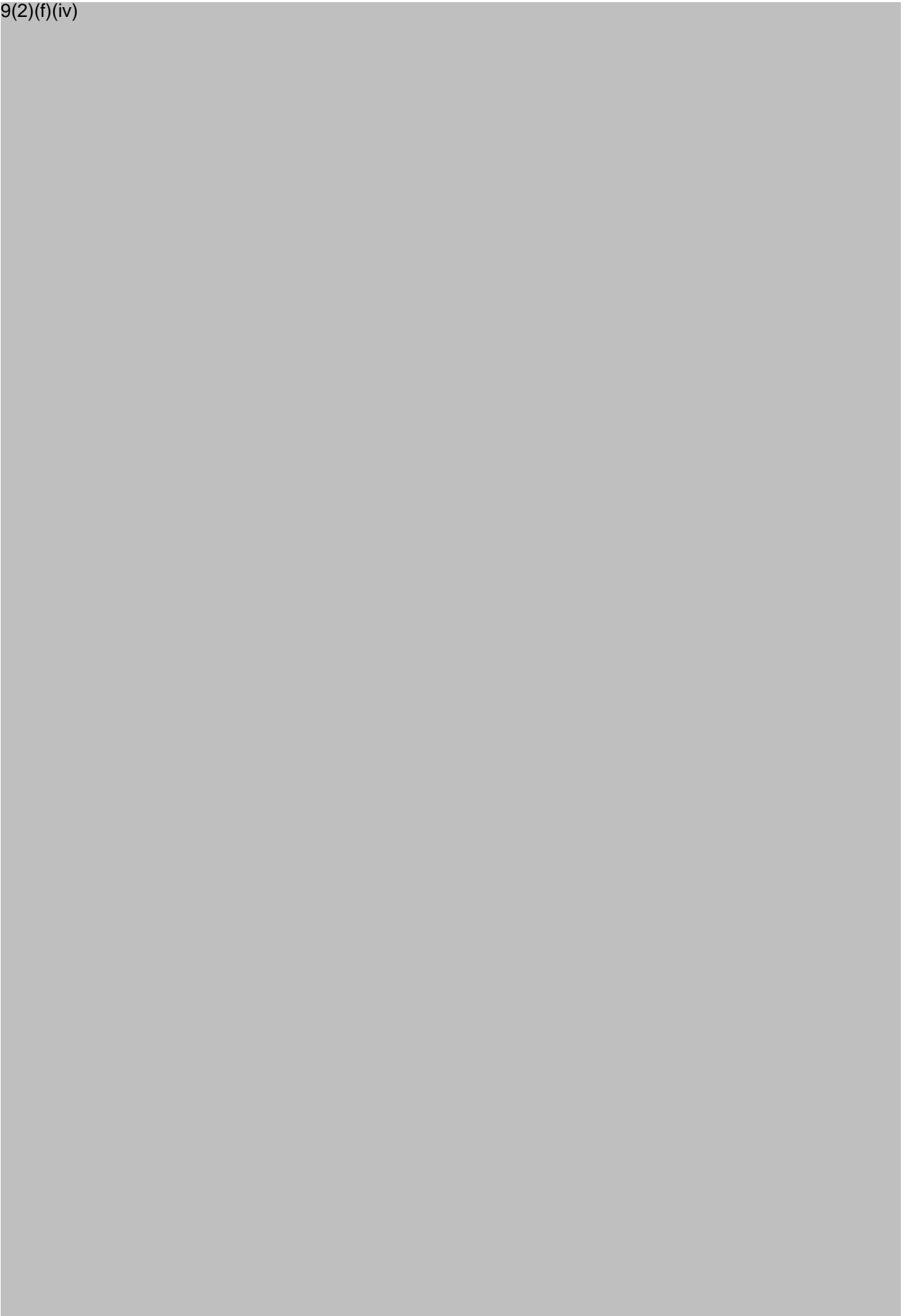
9(2)(f)(iv)




9(2)(f)(iv)



9(2)(f)(iv)



9(2)(f)(iv)





9(2)(f)(iv)





## Decisions on fast-track legislation delegated decisions Paper #1 for the Minister for Oceans and Fisheries

Proposal	Options	MPI Comments
<p>I. The purpose of this legislation</p>	<ul style="list-style-type: none"> <li>• <b>note</b> the purpose of the FTC bill noted by Cabinet was: <ul style="list-style-type: none"> <li><i>enabling infrastructure and other projects that have significant local, regional and national benefits, while continuing to promote the sustainable management of natural and physical resources for current and future generations</i></li> </ul> </li> <li>• <b>agree</b> <ul style="list-style-type: none"> <li>a) EITHER that the purpose of the FTC bill will be the one noted by Cabinet</li> <li>b) OR direct officials to provide further advice on the purpose in Briefing Note #2 on how it can be weighted more in favour of development</li> </ul> </li> </ul>	
<p>II. Other approvals included in the FTC bill</p>	<p><b>Decision</b></p> <ul style="list-style-type: none"> <li>• <b>agree in-principle</b> to include relevant approvals under the following legislation in the 'one stop shop' but note that work on all aspects of these approvals cannot be completed for the FTC bill as introduced: <ul style="list-style-type: none"> <li>. Conservation Act 1987</li> <li>. Wildlife Act 1953</li> <li>. Heritage New Zealand Pouhere Taonga Act 2014</li> <li>. Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (subject to further advice in next briefing)</li> <li>. Crown Minerals Act 1991 (s61 land access provisions) (subject to further advice in next briefing)</li> </ul> </li> <li>• <b>direct</b> officials to undertake further work such that all relevant aspects of these approvals can be incorporated through the select committee process and introduced through Amendment Papers</li> <li>• <b>note</b> that infrastructure providers identify the Public Works Act 1981 as highly significant and land acquisition issues as a key determinant of project timeframes, but that this process: <ul style="list-style-type: none"> <li>a) relates to securing necessary property rights to enable construction</li> <li>b) is not related to environmental effects</li> <li>c) will take longer than the 100 day timeframe to resolve</li> </ul> </li> <li>• <b>agree</b> that LINZ, working with MoT, MBIE, delivery agencies including NZTA, KiwiRail and Transpower, provide advice to the Ministers for Land Information, Transport and Infrastructure by 23 February 2024 on challenges raised and potential options relating to land acquisition processes, and relationship to a one stop shop process</li> </ul>	<ul style="list-style-type: none"> <li>• We recommend you agree to proposal II, noting that approvals under the EEZ act are still subject to further advice as to whether it's included in the one stop shop.</li> <li>• You may note that the Fisheries Act is not included in the list of non-RMA approvals in the FT Bill. This is historically Fisheries Act the tests have not been a barrier to aquaculture development.</li> </ul>

Proposal	Options	MPI Comments
<p>III. Weighting of FTC bill purpose in making decisions under other Acts</p>	<ul style="list-style-type: none"> <li>• <b>agree</b> that the purpose of the FTC bill is generally to be weighted above the purpose and provisions of other Acts in the one stop shop</li> <li>• <b>note</b> that it is also necessary to provide detailed guidance for how that weighting is given effect in applying specific decision-making considerations in other legislation</li> <li>• <b>note</b> there are precedents in the Housing Accords and Special Housing Areas Act 2013 and the FTCA which would avoid the additional work of designing entire new approaches, and that doing so is also not feasible in the time available</li> <li>• <b>agree</b> that officials should draw on such precedents in applying key decision-making criteria under other Acts while ensuring that the weighting of the FTC bill purpose is maintained</li> </ul> <p><b>note</b> officials may need to provide further advice on this issue in delegated decisions briefing #2</p>	<ul style="list-style-type: none"> <li>• We recommend you agree to proposal III.</li> <li>• Ensuring the FT Bill's purpose is weighted above the RMA is important to the overall success of the fast-track consenting process for aquaculture.</li> <li>• The following delegated decisions briefing will contain more advice about how weighting could work regarding national direction.</li> </ul>
<p>IV. Eligibility criteria</p>	<ul style="list-style-type: none"> <li>• <b>agree</b> the responsible Ministers (Infrastructure, Transport and Regional Development) when referring a project <b>must</b> consider: <ul style="list-style-type: none"> <li>a) whether the project would be consistent with the purpose of the Act</li> <li>b) whether the project is viable to proceed for development in the near future</li> <li>c) whether access to the fast-track process will enable the project to be processed in a more timely and cost-efficient way than under 'normal' processes</li> <li>d) the impact referring this project will have on the efficient operation of the fast-track process</li> <li>e) the significance of the project to delivering on regional and national benefits</li> <li>f) the application has sufficient information to inform the Minister's referral decision</li> </ul> </li> <li>• <b>agree</b> Ministers when referring a project <b>may</b> consider if it: <ul style="list-style-type: none"> <li>a) has been identified as a priority project in a central government, local government or sector plan/strategy (eg, general policy statement or spatial strategy)</li> <li>b) will deliver nationally or regionally significant infrastructure</li> <li>c) will increase the supply of housing, address housing needs, and/or contribute to a well-functioning urban environment</li> <li>d) will deliver significant economic benefits</li> <li>e) will support primary industries, including aquaculture</li> <li>f) will support development of natural resources, including minerals and petroleum</li> <li>g) support climate change mitigation, including the reduction or removal of greenhouse gases/emissions</li> <li>h) will support adaptation, resilience and recovery from natural hazards</li> <li>i) will address significant environmental issues</li> <li>j) is consistent with local or regional planning documents including spatial strategies</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• We recommend you agree to proposal IV, noting that more detail is to come on eligibility criteria, including to ensure applications with authorisations for aquaculture settlement areas are considered nationally significant.</li> <li>• A decision on this will be sought in the next briefing.</li> </ul>

Proposal	Options	MPI Comments
V. Projects that would be ineligible	<ul style="list-style-type: none"> <li>• <b>agree</b> that if one or more of the following conditions are met a project will not be eligible for fast-tracking:               <ol style="list-style-type: none"> <li>a) the activity is prohibited under a National Policy Statement, National Environmental Standard or a Regional or District Plan</li> <li>b) it would occur on land returned under a Treaty settlement, or Identified Māori land, without agreement (in writing) from the relevant landowner(s)</li> <li>c) it would occur in a customary marine or protected customary rights area without agreement from the rights holder/group</li> <li>d) it includes an activity that would occur within an aquaculture settlement area unless it has the required authorisation</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>• We recommend that you agree to proposal V.</li> <li>• Note in point (d) that projects are ineligible if they include an activity that would occur within an aquaculture settlement area unless the applicant has the required authorisation.</li> </ul>
VI. What does the fast-track process do and who gets to make decisions	<p><b>The Role of Ministers and Expert Panels (EP) for non-listed projects</b></p> <p><b>note</b> that Cabinet has agreed that Ministers refer a project to an EP. The EP will determine conditions. If the EP decides that the project's approvals should not be granted, the applicant will be able to reapply to be referred once it has addressed the EP's concerns. The panel can only decide that approvals shouldn't be granted in limited circumstances</p> <p><i>Circumstances where an EP can decide not to grant approvals</i></p> <ul style="list-style-type: none"> <li>• <b>note</b> officials are working through circumstances where a panel can decide not to grant approvals and will provide further advice in Briefing Note #2.</li> <li>• to support official's analysis, <b>agree in-principle</b> which of the following circumstances that an EP can choose not to grant approvals:           <ul style="list-style-type: none"> <li>• if they are inconsistent with Treaty Settlements</li> <li>• if they are inconsistent with a National Policy Statement or National Environmental Standard, including any limits and targets</li> <li>• if they are inconsistent with a Regional or District Plan</li> <li>• if they enable development in an area where there are significant risks from natural hazards, or occur in an area where the project could exacerbate this</li> <li>• if appropriate and feasible conditions cannot be applied to mitigate risks</li> <li>• if new information indicates a project is unsuitable.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• We recommend you do not agree to points (b), (c), and (e) in proposal VI. We recommend you propose the wording outlined below.</li> <li>• Points (b) and (c) present challenges for consenting aquaculture projects, particularly relating to the NZCPS.</li> <li>• In point (e), more clarity is needed to define what is meant by 'mitigate risks'</li> </ul> <p><i>Circumstances where an EP can decide not to grant approvals</i></p> <ul style="list-style-type: none"> <li>• <b>note</b> officials are working through circumstances where a panel can decide not to grant approvals and will provide further advice in Briefing Note #2           <ul style="list-style-type: none"> <li>• to support officials' analysis, <b>agree in-principle</b> that an EP can choose not to grant approvals:               <ul style="list-style-type: none"> <li>• if they are inconsistent with Treaty Settlements</li> <li>• if they enable development in an area where there are significant risks from natural hazards, or occur in an area where the project could exacerbate this</li> <li>• if new information indicates a project is unsuitable.</li> </ul> </li> </ul> </li> <li>• <b>agree</b> to direct officials to further consider whether an EP should be able to not grant approvals:           <ul style="list-style-type: none"> <li>• if they are inconsistent with a National Policy Statement or National Environmental Standard, including any limits and targets</li> <li>• if they are inconsistent with a Regional or District Plan</li> <li>• if appropriate and feasible conditions cannot be applied to mitigate risks.</li> </ul> </li> </ul>
VII. Listed Projects	<p><b>The role of Parliament and EPs in listed projects</b></p> <ul style="list-style-type: none"> <li>• <b>note that</b> Parliament refers a project to an EP. The EP will determine conditions. If the EP decides that the project's approvals should not be granted, the applicant will be able to reapply to be referred once it has addressed the EPs concerns. The panel can only decide</li> </ul>	<ul style="list-style-type: none"> <li>• Note that FNZ are engaging with potential applicants (including 9(2)(b)(ii) [redacted] this week.</li> </ul>

Proposal	Options	MPI Comments
	<p>that approvals shouldn't be granted in limited circumstances</p> <ul style="list-style-type: none"><li>• <b>note</b> that officials will provide further advice on what the limited circumstances could be in Briefing Note #2</li></ul>	

# Decisions on fast-track legislation delegated decisions Paper #1 for the Minister for Oceans and Fisheries

## Purpose (I)

Your choices are to:

- a) Agree with the current purpose, or
- b) Direct officials to provide advice on a purpose weighted more in favour of development.

## Weighting (III)

We recommend you agree to proposal III. Ensuring the FT Bill's purpose is weighted above the RMA is important to the overall success of the fast-track consenting process for aquaculture. The following delegated decisions briefing will contain more advice about how weighting could work regarding national direction.

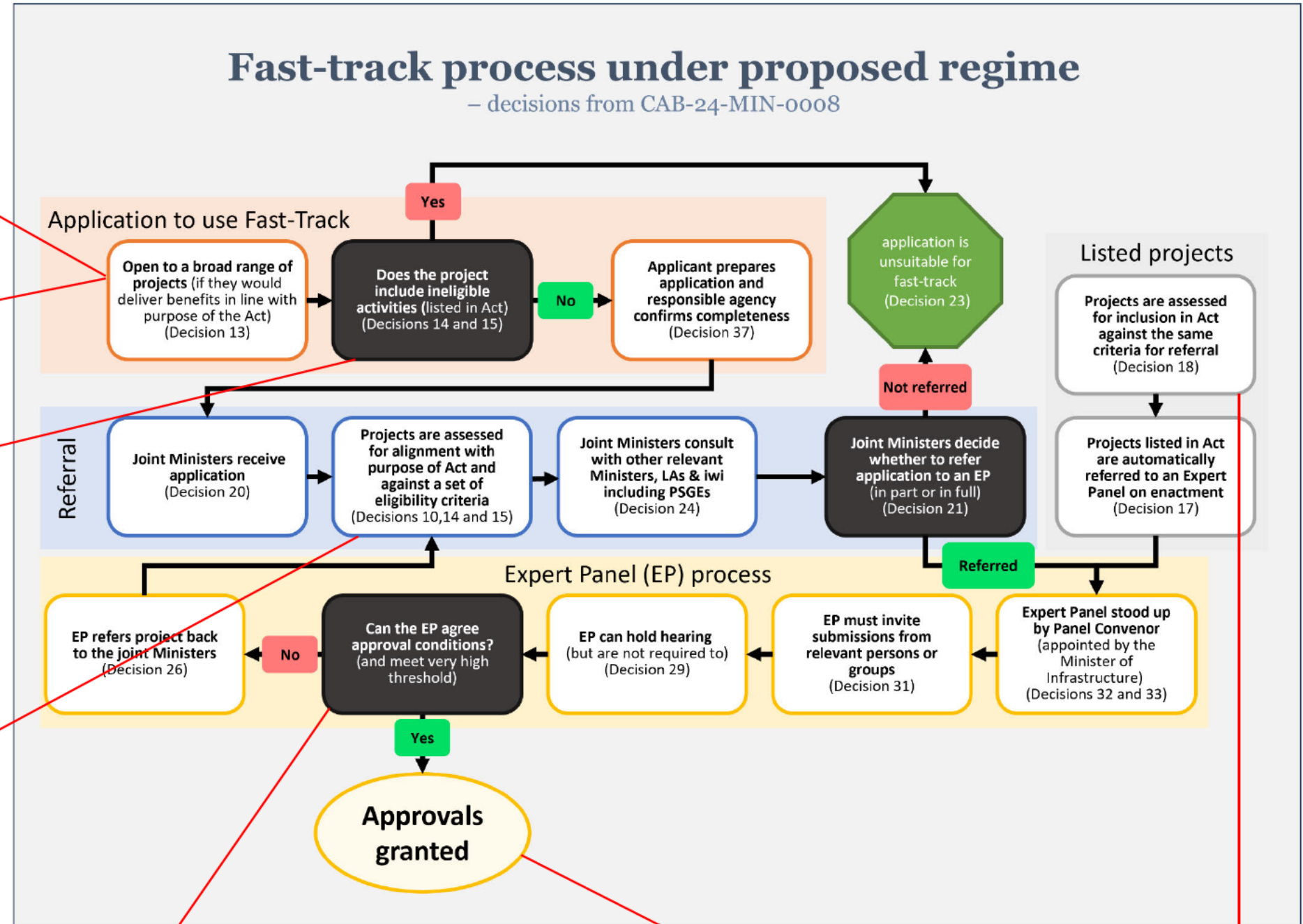
## Ineligibility criteria (V)

We recommend that you agree to proposal V. Note in point (d) that projects are ineligible if they include an activity that would occur within an aquaculture settlement area unless the applicant has the required authorisation.

## Eligibility criteria (IV)

We recommend you agree to proposal IV, noting that more detail is to come on eligibility criteria, including to ensure applications with authorisations for aquaculture settlement areas are considered nationally significant.

A decision on this will be sought in the next briefing.



## Circumstances that expert consenting panels can decline applications (VI)

We recommend you do not agree to points (b), (c), and (e) in proposal VI. We recommend you propose the wording outlined in the attached 'Decisions on FT Bill Paper 1 – Table'.

Points (b) and (c) present challenges for consenting aquaculture projects, particularly relating to the NZCPS.

In point (e), more clarity is needed to define what is meant by 'mitigate risks'

## Non-RMA Approvals included in the FTC Bill (II)

We recommend you agree to proposal II, noting that approvals under the EEZ act are still subject to further advice as to whether it's included in the one stop shop.

You may note that the Fisheries Act is not included in the list of non-RMA approvals in the FT Bill. This is historically Fisheries Act the tests have not been a barrier to aquaculture development.

## Listed projects (VII)

No decisions are required. Note that FNZ are engaging with potential applicants (including 9(2)(b)(ii), 9(2)(f)(iv)).

## Appendix 1: Table A

Proposal	Options and Recommendations	Decision	MPI and MBIE Comments
<p><b>1. Decision-making</b></p>	<p><b>Option 1 – Panel makes substantive decision, if Panel cannot approve, joint Ministers may invite applicant to re-scope project and re-apply</b></p> <ol style="list-style-type: none"> <li>1. <b>note</b> that a Panel's assessment would give primacy to the purpose of the fast-track legislation, therefore creating a high threshold for decline for projects that would deliver significant regional and national benefits</li> <li>2. <b>agree</b> that a Panel's decision is the substantive decision for the purpose of proceeding with the project or lodging an appeal</li> <li>3. <b>agree</b> that joint Ministers may decide if they wish to discuss the application with the applicant and/or invite the applicant to re-scope and resubmit their project to address the issues identified in the Panel's decision</li> <li>4. <b>note</b> that the legislation would not need to specify the step above, as it would be enabled in practice once joint Ministers receive notice of the Panel's decision</li> <li>5. <b>note</b> that the process would also enable applicants to modify their project and re-apply</li> </ol> <p><b>Option 2 – joint Ministers make substantive decision based on report and recommendations from Expert Panel</b></p> <ol style="list-style-type: none"> <li>6. <b>agree</b> that the Panel would provide a report and recommendations to joint Ministers, who would make the substantive decision on an application</li> <li>7. <b>agree</b> that joint Ministers' decision is the substantive decision for the purpose of proceeding with the project or lodging an appeal</li> <li>8. <b>note</b> that, if you choose this option, we will provide further advice on specific considerations for ministerial decision-making, including how joint Ministers take the Panel's report and recommendations into account in their final decision</li> </ol>	<p>Noted</p> <p>Yes <input checked="" type="radio"/> No</p> <p>Yes <input checked="" type="radio"/> No</p> <p>Noted</p> <p>Noted</p> <p><input checked="" type="radio"/> Yes No</p> <p><input checked="" type="radio"/> Yes No</p> <p>Noted</p>	<p>9(2)(g)(i)</p>
<p><b>2. Purpose</b></p>	<p><b>Option T1 – purpose focused on facilitating project delivery</b></p> <ol style="list-style-type: none"> <li>9. <b>agree</b> the purpose of the legislation should be focused on providing a fast-track decision-making process to facilitate the delivery of infrastructure and development projects with significant regional and national benefits</li> </ol> <p><b>Option 2 – purpose focused on project delivery as a primary consideration, while still providing for sustainable management as a secondary consideration</b></p> <ol style="list-style-type: none"> <li>10. <b>agree</b> the purpose of the legislation should be focused on providing a fast-track decision-making process to facilitate the delivery of infrastructure and development projects with significant regional and national benefits, and, to a lesser extent, taking into account the sustainable management of natural and physical resources for current and future generations</li> </ol>	<p><input checked="" type="radio"/> Yes No</p> <p>Yes <input checked="" type="radio"/> No</p>	<p>9(2)(g)(i)</p>
<p><b>3. Expert Panel– Assessment</b></p>	<p><b>Recommendation</b></p> <ol style="list-style-type: none"> <li>11. <b>Note</b> that the assessment of other legislative approvals to be included in the one-stop shop would be considered under their respective Acts (see advice below). The RMA would not be applied to those Acts.</li> <li>12. <b>agree</b> that when the expert panel considers an application, they must take into account the following matters, giving weight to them (greater to lesser) in the order listed:             <ol style="list-style-type: none"> <li>a. the purpose of the FTC bill</li> <li>b. considerations under relevant existing legislation, for example for resource consents, giving weight to them (greater to lesser) in the order listed:                 <ol style="list-style-type: none"> <li>i. the matters in Part 2 of the RMA; and</li> <li>ii. any relevant national direction, operative and proposed plans/policy statements under the RMA; and</li> <li>iii. relevant assessment clauses of the RMA (and legislation that directs RMA decision-making), where the application is being assessed under that Act.</li> </ol> </li> </ol> </li> </ol>	<p>Noted</p> <p><input checked="" type="radio"/> Yes No</p>	<p>9(2)(g)(i)</p>



Proposal	Options and Recommendations	Decision	MPI and MBIE Comments
<p>4. <b>Ineligible activities and prohibited activities</b></p>	<p>You have requested further advice around prohibited activities' eligibility for fast-tracking.</p> <p><b>Option 1</b> prohibited activities are not ineligible, but joint Ministers' may consider prohibited activity status as part of their referral decision.</p> <p><b>Option 2</b> retains prohibited activities as ineligible (the FTCA approach).</p> <p><b>Option 1:</b></p> <p>13. <b>agree</b> that a project is not ineligible for fast-tracking if it includes an activity that is a prohibited activity under the RMA</p> <p>14. <b>agree</b> that joint Ministers when making their referral decision, may (but are not required to) decline to refer a project on the basis that it includes a prohibited activity under the RMA (in addition to the other discretionary grounds to decline as recommended below)</p> <p>OR</p> <p><b>Option 2:</b></p> <p>15. <b>agree</b> that a project will not be eligible for fast-tracking if it includes an activity that is a prohibited activity under the RMA</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
<p>5. <b>Ministerial referral assessment and decision-making – grounds for Ministers to decline</b></p>	<p><b>Discretionary grounds for joint Ministers to decline to refer projects to an Expert Panel</b></p> <p>This option:</p> <ul style="list-style-type: none"> <li>a. involves carrying over the intent of the FTCA approach, which would provide broad discretion for joint Ministers to be able to decline to refer a project (including where a project might meet the eligibility criteria, but is undesirable for another reason that wasn't foreseen by the legislation).</li> <li>b. includes some changes to the FTCA approach in relation to the discretionary grounds for joint Ministers to decline to refer projects: <ul style="list-style-type: none"> <li>a. removing "the project is inconsistent with a relevant national policy statement"</li> <li>b. (if prohibited activities are not ineligible), adding "the activity is a prohibited activity under the RMA"</li> </ul> </li> </ul> <p>16. <b>note</b> Cabinet agreed that the responsible Minister may decline a referral application after seeking input from relevant parties, if satisfied that the project does not meet the eligibility criteria.</p> <p>17. <b>agree</b> that joint Ministers must decline a referral application if:</p> <ul style="list-style-type: none"> <li>a. it is not consistent with the purpose of the Act;</li> <li>b. directing the project to a panel would be inconsistent with a Treaty settlement, the NHNP Act, Takutai Moana Act, Mana Whakahono ā Rohe or Joint Management Agreement; or</li> <li>c. it includes an ineligible activity.</li> </ul> <p>18. <b>agree</b> the Minister may, but is not required to, decline a referral application (even for an eligible activity) if:</p> <ul style="list-style-type: none"> <li>a. another legislative mechanism is more appropriate for the application</li> <li>b. the activity may have significant adverse effects on the environment</li> <li>c. the applicant has poor compliance history under the relevant legislation</li> <li>d. the activity would occur on land returned under a Treaty settlement, and has not been agreed to in writing by the relevant landowner</li> <li>e. the activity would occur on land that the Minister for Treaty of Waitangi Negotiations considers is required for the settlement of any historical Treaty claim</li> </ul> <p>19. <b>agree</b> the joint Ministers should be able to decline an application for any other relevant reason</p>	<p>Noted</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>	

Proposal	Options and Recommendations	Decision	MPI and MBIE Comments
<p><b>6. Listed projects</b></p>	<p>Delegated Ministers have directed that there will be two categories of listed projects:</p> <ul style="list-style-type: none"> <li>• <b>Category A</b> which are automatically referred to an expert panel, and</li> <li>• <b>Category B</b> which will include projects that do not meet all required information for an immediate referral decision, but whose significance is recognised in the Act for future referral and Expert Panel decisions and processes</li> </ul> <p>20. agree that the Act will include two categories of listed projects, being:</p> <p>a. <b>Category A</b> are projects which:</p> <ol style="list-style-type: none"> <li>i. meet all information requirements for a referral process and</li> <li>ii. meet the purpose of the Act, and all relevant ineligibility and eligibility criteria applying to the Ministerial referral process</li> <li>iii. will be automatically referred to an expert panel for decision, without having to apply for a ministerial referral</li> <li>iv. [Note] can only be declined by the expert panel on the following grounds: <ul style="list-style-type: none"> <li>▪ <i>As per ministerial direction above</i></li> </ul> </li> </ol> <p>b. <b>Category B</b> are projects which:</p> <ol style="list-style-type: none"> <li>i. are likely to meet the purpose of the Act, but for which there is not enough information to determine whether the project meets all relevant ineligibility and eligibility criteria.</li> <li>ii. will have to apply for ministerial referral to an expert panel using the process as set out in the Act.</li> <li>iii. however, the relevant Minister and expert panel must have in addition, particular regard to the significance of the benefits of the project in their decision-making.</li> <li>iv. can be declined by the expert panel on the same grounds as referred projects.</li> </ol>	<p style="text-align: center;"> <input checked="" type="radio"/> Yes <input type="radio"/> No </p>	<p>9(2)(g)(i)</p>

# Treaty

Proposal	Options and Recommendations	Decisions	MPI and MBIE Comments
<p><b>Upholding Treaty settlements / specified arrangements</b></p>	<p><b>Option A</b></p> <p>Agree an overarching clause which states:</p> <ul style="list-style-type: none"> <li>a) All persons exercising functions and powers under the FTC Bill must act in a manner consistent with Treaty settlements and specified arrangements; and</li> <li>b) Treaty settlements and specified arrangements must be given the same or equivalent effect under the FTC Bill as they would have under the equivalent processes in the original legislation (eg, RMA, Conservation Act); and</li> <li>c) the same Treaty and related provisions under the original legislation (such as the Treaty/Māori protections in Part 2 of the RMA and s4 of the Conservation Act) apply to processes and relevant decisions under the FTC Bill.</li> </ul>	<p><b>Yes   No</b></p>	<p>9(2)(g)(i)</p>
	<p><b>Option B</b></p> <p>Agree a general clause, similar to the COVID-19 Recovery (Fast-track Consenting) Act 2020 section 6(a), which would require those undertaking functions and powers under the FTC Bill to act in a manner consistent with the principles of the Treaty and Treaty settlements and specified arrangements.</p>		<p><b>Yes   No</b></p>
	<p><b>Option C</b></p> <p>Agree Option B, plus a clause stating, similar to section 17 of the COVID-19 Recovery (Fast-track Consenting) Act 2020, that Ministers' obligations under in-scope legislation are satisfied by compliance with a list a specific provisions identifying what Ministers are required to do to satisfy that obligation.</p>	<p><b>Yes   No</b></p>	
	<p><b>Option D</b></p> <p>Agree A clause stating that, in recognition of the Crown's obligations under the Treaty of Waitangi, the FTC Bill includes a list of specific provisions designed to protect Treaty settlements and specified arrangements, and Māori interests.</p>	<p><b>Yes   No</b></p>	
	<p><b>Note</b> that, irrespective of the decision made above, and to provide clarity and certainty for decision-makers on what is required through the process, it is recommended that specific protections sought in Table B are included in the FTC Bill)</p>	<p><b>Noted</b></p>	

## One stop shop – Conservation approvals

Proposal	Options	Decision	MPI and MBIE Comments
<p>Conservation authorisations to include in OSS</p>	<p><b>Agree to include the following Conservation Authorisations in the OSS</b></p> <ol style="list-style-type: none"> <li>1. Wildlife Act,</li> <li>2. Conservation Act,</li> <li>3. Freshwater Fisheries Regulations,</li> <li>4. Reserves Act</li> </ol>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>	
<p>(I) Scope of land classifications covered</p>	<ol style="list-style-type: none"> <li>1. <b>Agree</b> that applications for fast-track permits under the Wildlife Act, Conservation Act, Freshwater Fisheries Regulations, and Reserves Act, must not relate to land listed under Schedule 4 of the Crown Minerals Act 1991</li> <li>2. <b>Agree</b> that a project will be ineligible for the Fast-Track process if it requires permissions on Schedule 4 land</li> </ol> <p><i>Additions/exclusions in terms of land covered for the purposes of the Fast-Track process</i></p> <ol style="list-style-type: none"> <li>3. <b>Agree</b> to exclude the Coromandel Peninsula-specific elements of Schedule 4 for the purposes of the Fast-Track Bill.</li> <li>4. <b>Agree</b> to add to the areas excluded from the Fast-Track Bill as if they were listed in Schedule 4: <ol style="list-style-type: none"> <li>a. ecological areas held under the Conservation Act 1987</li> <li>b. national reserves held under the Reserves Act 1977</li> </ol> </li> <li>5. <b>Agree</b> that if permissions are requested in relation to World Heritage Areas for Fast-Track projects, the Minister of Conservation must be consulted.</li> <li>6. <b>Agree</b> that applications for fast-track permits under the Wildlife Act, Conservation Act, Freshwater Fisheries Regulations, and Reserves Act, must not relate to a reserve under the Reserves Act that is owned, managed or administered by an entity other than DOC or local authorities, unless the owner and administering body agree.</li> <li>7. <b>Agree</b> to retain the requirement that the decision maker shall not grant an application for a concession if the proposed activity could reasonably be undertaken in another location that is either off PCL or is in another conservation area where the potential adverse effects would be significantly less.</li> </ol>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>Yes <input checked="" type="radio"/> No</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>Yes <input checked="" type="radio"/> No</p>	<p>9(2)(g)(i)</p>
<p>(II) Other general matters for conservation-related approvals</p>	<ol style="list-style-type: none"> <li>8. <b>Agree</b> that authorisations under the Fast-Track Bill relating to Conservation authorisations must be able to be declined if any conservation-related Fast-Track mandatory requirements agreed to below not able to be met.</li> <li>9. <b>EITHER:</b> <p><b><u>Option 1 – Subsequent approvals under Fast-Track</u></b></p> <ol style="list-style-type: none"> <li>a. <b>Agree</b> that where subsequent variations and conservation-related authorisations are required in relation to approved Fast-Track projects, these will be determined through the Fast-Track process.</li> </ol> <p><b>OR</b></p> <p><b><u>Option 2 – Subsequent approvals through standard decisionmakers under Fast-Track provisions</u></b></p> <ol style="list-style-type: none"> <li>b. <b>Agree</b> that where subsequent variations and conservation-related authorisations are required in relation to approved Fast-Track projects, these will be determined through normal decision-makers but subject to the provisions of the Fast-Track Bill.</li> </ol> </li> <li>10. <b>Agree</b> that if offsetting or compensation is provided for in relation to projects with adverse effects on PCL, the offsetting or compensation will be for use on PCL.</li> </ol>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>Yes <input checked="" type="radio"/> No</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>Yes <input checked="" type="radio"/> No</p>	



Proposal	Options	Decision	MPI and MBIE Comments
	<p>11. <b>Note</b> that conditions will often be required to be applied to approvals for the purposes of follow up operational agreements (eg, translocation arrangements) and monitoring/enforcement.</p> <p>12. <b>Agree</b> to add conservation expertise to the Panels where appropriate.</p>	<p>Noted</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>	
(III) Treaty matters	<p>13. <b>Note</b> that delegated Ministers have confirmed that the Fast-Track Bill will uphold Treaty settlements.</p> <p>14. <b>Note</b> that conservation redress within Treaty settlements is a complex landscape to navigate: spanning freehold land transfer, land vesting, creation of legal personalities with specific statutory connections to wider conservation laws, and involvement in governance and DOC/MOC decision-making including on permissions or plans.</p> <p>15. <b>Note</b> that DOC currently notifies iwi of permission applications in their area and consults relevant iwi and hapū on permissions decisions and takes their views and interests into account – and that in some cases this is built into settlements or relationship agreements.</p> <p>16. <b>Note</b> that what upholding Treaty settlements means in this context is not straightforward and is likely to be subject to dispute and litigation, and this is further complicated by reference to section 4 of the Conservation Act in some settlements (Acts, Deeds, or further instruments).</p> <p>17. <b>Note</b> that your decisions to date, including detailed decisions approved by Minister Bishop, would apply to conservation related settlement redress by, eg,:</p> <ul style="list-style-type: none"> <li>a. ruling out projects that occur on land returned under a Treaty settlement, or identified Māori land, that has not been agreed to by the landowner(s).</li> <li>b. including in identified Māori land legal personality areas (such as Te Urewera), and land under a Treaty settlement managed under the Conservation Act or Reserves Act.</li> <li>c. requiring a report on Treaty settlement and other obligations before accepting an application for referral and that an application may be declined on that basis.</li> <li>d. requiring that the Panel must comply with the procedural arrangements in relevant Treaty documents unless agreement from the relevant entity is obtained, but that the entity must not unreasonably withhold their agreement.</li> <li>e. enabling consideration of iwi interests in Panel appointments.</li> </ul> <p>18. <b>Note</b> that DOC is the responsible agency that will provide the report on Treaty settlement and other obligations in respect of conservation-related approvals.</p> <p>19. <b>Note</b> that it is highly likely that some current process-related agreements with iwi that are not stipulated in settlements will be aggrieved by standard timeframes imposed in the Fast-Track projects, but most such agreements are noted to be subject to change and none remove the ability to change laws or undertake functions or powers.</p> <p>20. <b>Note</b> that around 60-70% of settlements include provision for decision-making frameworks as part of conservation redress and this includes procedural requirements and, in limited cases, content /substantive matters – which should be protected.</p> <p>21. <b>Agree</b> that the Panel:</p> <ul style="list-style-type: none"> <li>a. must consider CMS/CMPs in making decisions on conservation-related approvals where these have been co-authored, authored, or jointly approved by iwi and seek the views of the relevant iwi before granting approvals.</li> <li>b. must not disapply the relevant CMS/CMP if this would undermine a Treaty settlement.</li> </ul> <p>22. <b>Note</b> that the Supreme Court has confirmed that section 4 is a powerful Treaty clause which can require a decision maker to take 'more than procedural steps' to give effect to Treaty principles.</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>Noted</p>	

Proposal	Options	Decision	MPI and MBIE Comments
	<p>23. EITHER</p> <p><b><u>Option 1: Section 4 of the Conservation Act continues to apply</u></b></p> <p>a. <b>Agree</b> that the requirement in section 4 of the Conservation Act to give effect to the principles of the Treaty of Waitangi <i>will continue to apply</i> for Fast-Track referrals and projects.</p> <p>OR</p> <p><b><u>Option 2: Section 4 of the Conservation Act does not apply</u></b></p> <p>b. <b>Agree</b> that the requirement in section 4 of the Conservation Act to give effect to the principles of the Treaty of Waitangi <i>will not apply</i> for Fast-Track referrals and projects and the provisions of the Fast-Track Bill, if any, will apply instead.</p>	<p>Yes   No</p> <p>Yes   No</p>	
(IV) Wildlife Act approvals	<p>24. <b>Note</b> that both section 4 and Treaty settlements may impact the timeframes for Wildlife Act permissions processes.</p> <p>25. <b>Note</b> that some Treaty settlements include requirements relating to Wildlife Act permissions that you intend to uphold, which will need to be identified and provided for.</p> <p><i>Decision-making on protected wildlife permits/matters</i></p> <p>26. EITHER</p> <p><b><u>Option 1 – Existing decisionmakers</u></b></p> <p>a. <b>Agree</b> that an applicant may apply under the Fast-Track for Wildlife Act authority to catch alive and kill wildlife, including to incidentally kill wildlife; <b>AND</b></p> <p>b. <b>Agree</b> that for projects that meet the criteria for the Fast-Track regime, s 53 Wildlife Act authorities will be determined by the Director-General, and subject to any considerations and limits agreed below; <b>AND</b></p> <p>c. <b>Agree</b> that for projects that meet the criteria for the Fast-Track regime, s 71 of the Wildlife Act is disapplied; <b>AND</b></p> <p>d. <b>Agree</b> that in making any s 53 decision in accordance with the Wildlife Act, the Director-General may impose conditions in accordance with s 53(5) of the Wildlife Act, and such conditions can include offsetting and compensation; <b>AND</b></p> <p>e. <b>Agree</b> that when considering a s 53 application, the Director-General's decision is subject to the process requirements of the fast-track regime, including timeline requirements;</p> <p>OR</p> <p><b><u>Option 2 – Panel as decisionmaker</u></b></p> <p>a. <b>Agree</b> that for projects that meet the criteria for the Fast-Track regime, the Panel will determine whether approval is granted for the purposes of providing lawful authority to undertake actions otherwise prohibited by the Wildlife Act; <b>AND</b></p> <p>b. <b>Agree</b> that for any fast-track consent that authorises an action that is otherwise prohibited by the Wildlife Act (such as killing wildlife), DOC is empowered to enforce any relevant conditions of the consent as if the consent is an authorisation under the Wildlife Act; <b>AND</b></p> <p>c. <b>Agree</b> that a consent granted under the fast-track regime is lawful authority to do anything in respect of wildlife that is otherwise prohibited under the Wildlife Act, where the consent specifically provides for this; <b>AND</b></p>	<p>Noted</p> <p>Noted</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>Yes <input checked="" type="radio"/> No</p> <p>Yes <input checked="" type="radio"/> No</p> <p>Yes <input checked="" type="radio"/> No</p> <p>Yes <input checked="" type="radio"/> No</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>	<p>9(2)(g)(i)</p>

Proposal	Options	Decision	MPI and MBIE Comments
	<p>d. <b>Agree</b> that the Panel will take into account the purpose of the Wildlife Act (wildlife protection) in assessing wildlife effects, subject to any further considerations and limits decided below; <b>AND</b></p> <p>e. <b>Agree</b> that the Panel have particular regard to a report by the Department of Conservation on the risks to wildlife; <b>AND</b></p> <p>f. <b>Agree</b> that for any project that is within the fast-track regime, s 71 of the Wildlife Act is disapplied; <b>AND</b></p> <p>g. <b>Agree</b> that any consent that authorises any activity in respect of wildlife can be enforced by the Department of Conservation.</p> <p><i>Considerations and limits for Fast-Track projects under either above option</i></p> <p><b>27. EITHER</b></p> <p><b><u>Option 1 – Irreversible loss ineligibility criteria</u></b></p> <p>a. <b>Agree</b> that the ineligibility criteria for the fast-track regime includes any project that is likely to cause an irreversible loss to a wildlife species that is threatened or at-risk as defined in the NZ Threat Classification System.</p> <p><b>OR</b></p> <p><b><u>Option 2 – Consider irreversible loss</u></b></p> <p>b. <b>Agree</b> that for wildlife-related permits or approvals on Fast-Track projects, the decision-maker must consider whether there is likely to be an irreversible loss to a wildlife species that is threatened or at-risk as defined in the NZ Threat Classification System.</p> <p><b>OR</b></p> <p><b><u>Option 3 – Take into account impacts on threatened species</u></b></p> <p>c. <b>Agree</b> that the decision-maker must take into account impacts on threatened, data deficient, and at-risk wildlife species as defined in the NZ Threat Classification System.</p> <p><b>28. Agree</b> that assessments of impacts on wildlife must be based on a report from DOC which will also set out conditions needed more generally for protected wildlife.</p> <p><b>29. Agree</b> that activities relating to handling etc of protected wildlife must be required to meet relevant best practice standards, which can be established as part of conditions</p> <p><b>30. Agree</b> that in setting conditions, the decision-maker must have regard to whether the condition would minimise any impacts on protected wildlife, through avoidance, mitigation or offsetting, or that any impacts which cannot be mitigated are compensated for.</p> <p><b>31. Agree</b> that the decision of the Panel will be deemed to have been made as if under the Wildlife Act and further decisions/variations will be done under the Wildlife Act.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>Yes <input checked="" type="radio"/> No</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>Yes <input checked="" type="radio"/> No</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>	<p>9(2)(g)(i)</p> <p>9(2)(g)(i)</p>
	<p><i>Scope for inclusion in the Fast-Track Bill</i></p>		



Proposal	Options	Decision	MPI and MBIE Comments
(V) Conservation Act approvals	<p><b>32. EITHER</b></p> <p><b><u>Option 1: Concessions for all activities are incorporated into the One Stop Shop</u></b></p> <p>a. <b>Agree</b> that concessions can be consider for projects that qualify for Fast-Track under the Fast-Track Bill (i.e. as per the Fast-Track qualifying criteria);</p> <p><b>OR</b></p> <p><b><u>Option 2: Only concessions for critical infrastructure are incorporated into the One Stop Shop</u></b></p> <p>b. <b>Agree</b> that concessions can only be considered the most critical infrastructure projects that qualify for Fast-Track under the Fast-Track Bill.</p> <p><i>Determining which requirements to include</i></p> <p><b>33. Agree</b> to retain the requirement that the decision maker must consider the purpose for which the land is held.</p> <p><b>34. Agree</b> to retain the requirement that the decision maker must consider the effects of the activity, structure, or facility.</p> <p><b>35. Agree</b> to retain the requirement that the decision maker must consider any relevant environmental impact assessment.</p> <p><b>36. Agree</b> to remove the requirement for the decision-maker to decline an application if an application obviously does not comply with any relevant conservation general policy, conservation management strategy, conservation management plan or reserve management plan, except where removing the requirement would undermine Treaty Settlements.</p> <p><b>37. Agree</b> to remove the requirement for public notification of concession applications when aligning with the Fast-Track regime.</p> <p><i>Determining the decision-maker</i></p> <p><b>38. Note</b> that a concession can confer a property right, in addition to approving access to undertake an activity on PCL, and that these two functions cannot easily be disaggregated.</p> <p><b>39. Note</b> that the legal, health and safety and financial risks associated with concessions on public conservation land will continue to fall to the Crown, the Minister of Conservation and DOC as the owner and land managers of public conservation land.</p> <p><b>40. Note</b> that, in making decisions on concessions, the decision maker in a Fast-Track process (Ministers or Panel) would therefore be making decisions on managing Crown risks (i.e. on behalf of the Crown as land manager). This includes undertaking contract negotiations, including setting rental fees.</p> <p><b>41. Note</b> that DOC/MOC will continue to be responsible for all further monitoring/enforcement/variations and implementation required.</p> <p><b>42. EITHER</b></p> <p><b><u>Option 1: Minister of Conservation retains decision making for concessions within the Fast-Track framework</u></b></p> <p>a. <b>Agree</b> that The Minister of Conservation, on behalf of the Crown, remains the decision-maker for fast-track concessions, and that concessions are excluded from the Fast-Track Bill where required for use of public conservation land; <b>AND</b></p> <p>b. <b>Agree</b> to amend the Conservation Act to align processes with the Fast-Track regime and apply any alternative requirements agreed above to the consideration of Fast-Track projects.</p> <p><b>OR</b></p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>Yes <input checked="" type="radio"/> No</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Yes <input checked="" type="radio"/> No</p> <p>Yes <input checked="" type="radio"/> No</p>	<p>9(2)(g)(i)</p>

Proposal	Options	Decision	MPI and MBIE Comments
	<p><b><u>Option 2A: Expert panel assumes decision making in concurrence with the Minister of Conservation</u></b></p> <p>a. <b>Agree</b> that applicable concessions required for use of public conservation land will be determined by the Panel under the Fast-Track Bill, in concurrence with the Minister of Conservation</p> <p><b>OR</b></p> <p><b><u>Option 2B: Expert panel assumes decision making in consultation with the Minister of Conservation</u></b></p> <p>a. <b>Agree</b> that applicable concessions required for use of public conservation land will be determined by the Panel under the Fast-Track Bill, in consultation with the Minister of Conservation</p>	<p>Yes <input checked="" type="radio"/> No</p> <p>Yes <input type="radio"/> No</p>	
(VI) Reserves Act approvals	<p><b>43. Agree</b> that the Fast-Track process may be applied to:</p> <p>a. Crown-owned reserves administered by the Department of Conservation or local authorities</p> <p>b. Reserves owned and administered by local authorities</p> <p>c. Any other reserves, by agreement of the reserve owner and administering body.</p> <p><b>44. Agree</b> that the concessions regime will be used to provide all permissions that would otherwise be required by the Reserves Act for projects accepted into the Fast-Track process.</p> <p><b>45. Agree</b> that Ministers must consider the ownership and management arrangements of any reserves (or land with conservation covenants registered against the title) affected by the projects and any existing arrangements (formal or informal) over that land when considering whether to accept the project into the Fast-Track process.</p> <p><b>46. Agree</b> that Ministers' consideration of reserve matters as part of the Fast-Track application decision be informed by a report by DOC in consultation with the reserve owner/administering body as required.</p>	<p>Yes <input checked="" type="radio"/> No</p> <p>Yes <input type="radio"/> No</p> <p>Yes <input type="radio"/> No</p> <p>Yes <input type="radio"/> No</p>	<p>9(2)(g)(i) [REDACTED]</p>
(VII) Freshwater Fisheries regulations approvals	<p><b>47. Note</b> that the Conservation Act, Fisheries Act, Biosecurity Act and associated regulations control a wide range of matters relating to freshwater fisheries, including for indigenous fish and sports fish (eg, trout).</p> <p><b>48. Agree</b> that Fast-Track will be limited to four matters that are commonly involved in large development applications, and that do not require complex technical assessments –</p> <p>a. the approval of culverts and other structures to which the NIWA guidelines apply, and</p> <p>b. the approval of fish rescue activities where the fish are moved to an alternative location in the same waterbody, and</p> <p>c. the approval of temporary works for infrastructure projects that would affect fish passage or local habitat.</p> <p>d. the killing of noxious fish that are encountered during fish rescue or other operations.</p> <p><b>49. Agree</b> that the approvals for these activities would be provided through the RM Act process (subject to specific requirements in the Fast-Track legislation), and an applicant that was acting in accordance with conditions in the Fast-Track consent in relation to those specific matters would be exempt from any equivalent freshwater fisheries legislative requirements.</p>	<p>Noted</p> <p>Yes <input checked="" type="radio"/> No</p> <p>Yes <input type="radio"/> No</p>	<p>9(2)(g)(i) [REDACTED]</p>





Proposal	Options	Decision	MPI and MBIE Comments
	<p><b><u>Option 2B: Expert panel assumes decision making in consultation with Ministers</u></b></p> <p>d. <b>Agree</b> that s 61 approvals will be determined by the Expert Panel as part of the One Stop Shop, in consultation with the Appropriate Minister (and the Minister responsible for the Crown Minerals Act where relevant).</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>	

## One stop shop – Heritage Authorisations

Proposal	Options	Decisions	MPI and MBIE Comments
<p>(IX) Include approvals under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT) in the FTC Bill.</p>	<p><b>Option 2</b></p> <p>1. <b>agree</b> to include HNZPT approvals in the one-stop-shop by amending the HNZPT to enable applications to be made with FTC applications. Otherwise, applications/approvals will be processed separately by HNZPT under the HNZPT.</p> <p>2. <b>note</b> that decision timeframes, consultation and information would be coordinated into a unified process by the Expert Panel. Decisions would be made separately by HNZPT under the HNZPT, working closely with the Expert Panel.</p> <p>If Ministers select Option 2:</p> <p>3. <b>agree</b> that the Minister or the Expert Panel can decide whether it is appropriate for HNZPT approvals to be included in the one-stop-shop on a case-by-case basis</p> <p>4. <b>agree</b></p> <p>a. EITHER the Minister makes this decision (when referring)</p> <p>b. OR the Expert Panel makes this decision (when consenting).</p> <p>5. <b>agree</b></p> <p>a. EITHER the purpose of the FTC bill should prevail over HNZPT provisions</p> <p>b. OR HNZPT provisions are not prevailed over by the FTC bill purpose (preferred)</p> <p>6. <b>note</b> that as previously directed by Ministers (BRF #1) officials will undertake further work such that all relevant aspects of HNZPTA approvals can be incorporated through the select committee process and introduced through Amendment Papers.</p>	<p>Yes   No</p> <p>Yes   No</p> <p>Yes   No</p> <p>Yes   No</p> <p>Yes   No</p> <p>Yes   No</p>	<p>Not relevant to aquaculture, resources, or energy industries.</p>

## One stop shop – Exclusive Economic Zone (EEZ) Act

Proposal	Options	Decisions	MPI Comments
(I) Include EEZ consents in the fast-track consenting regime	<p>a. <b>agree</b> to allow EEZ consents to be decided on via the fast-track consenting regime either as an individual application for a marine consent, or as part of multiple approvals required, for the same activity.</p> <p>b. <b>note</b> details on how this will work (information requirements, reports, decision making arrangements and consultation) will be provided in a future briefing.</p>	<input checked="" type="radio"/> Yes   No	9(2)(g)(i)
(II) Include eligibility criteria for activities that may utilise the fast-track consenting regime if the EEZ Act is included	<p>c. <b>agree</b> in principle to include eligibility criteria to clarify the circumstances when activities in the EEZ can access the fast-track consenting regime.</p>	<input checked="" type="radio"/> Yes   No	

## Notes to support Ministers' meeting on fast-track consenting

27 February 2024 5:30pm

### 1) Fast-Track Consenting delegated decisions appendices 1 and 2 (BRF-4307):

*Appendix 1 recs – General procedural matters + matters identified during review of the Bill*

Rec number	MPI recommendation	Note
4	Agree	Ensures aquaculture and other projects applying for replacement consents under the FTC Bill can continue operating while awaiting FTC decisions
5	Agree	Upholds allocation frameworks and settlement obligations
7 and 8	Agree to 7 Agree to 8	Upholds fisheries settlement obligations
9	Agree	Ensures areas reserved for aquaculture in individual Treaty settlements <sup>9(2)(g)(i)</sup> are treated in the same way as aquaculture settlement areas identified under the Māori Commercial Aquaculture Claims Settlement Act.
10 and 11	Agree to 10 Do not agree 11	Agree to add “the reasons why joint Ministers referred the application or why the application was listed” as a matter the Expert Panel must consider when assessing an application”, to ensure the panel explicitly takes into account the reasons for Ministerial referral of the project in its assessment criteria (rather than just as context), and that this is a strong factor in the consideration hierarchy (ie above RMA matters). This promotes consistency between the panel’s recommendation and the Ministerial decision.
All other recs	Agree	

*Appendix 2 recs – Matters identified during review of the Bill*

Rec number	MPI recommendation	Note
6 and 7	Do not agree to 6 Agree to 7	This will ensure applications are informed but not strictly prohibited by the listed ‘relevant provisions of the RMA’
All other recs	Agree	


### 2) Fast-Track Consenting Bill – Inclusion of Listed Projects (BRF-4306):

9(2)(f)(iv), 9(2)(b)(ii)

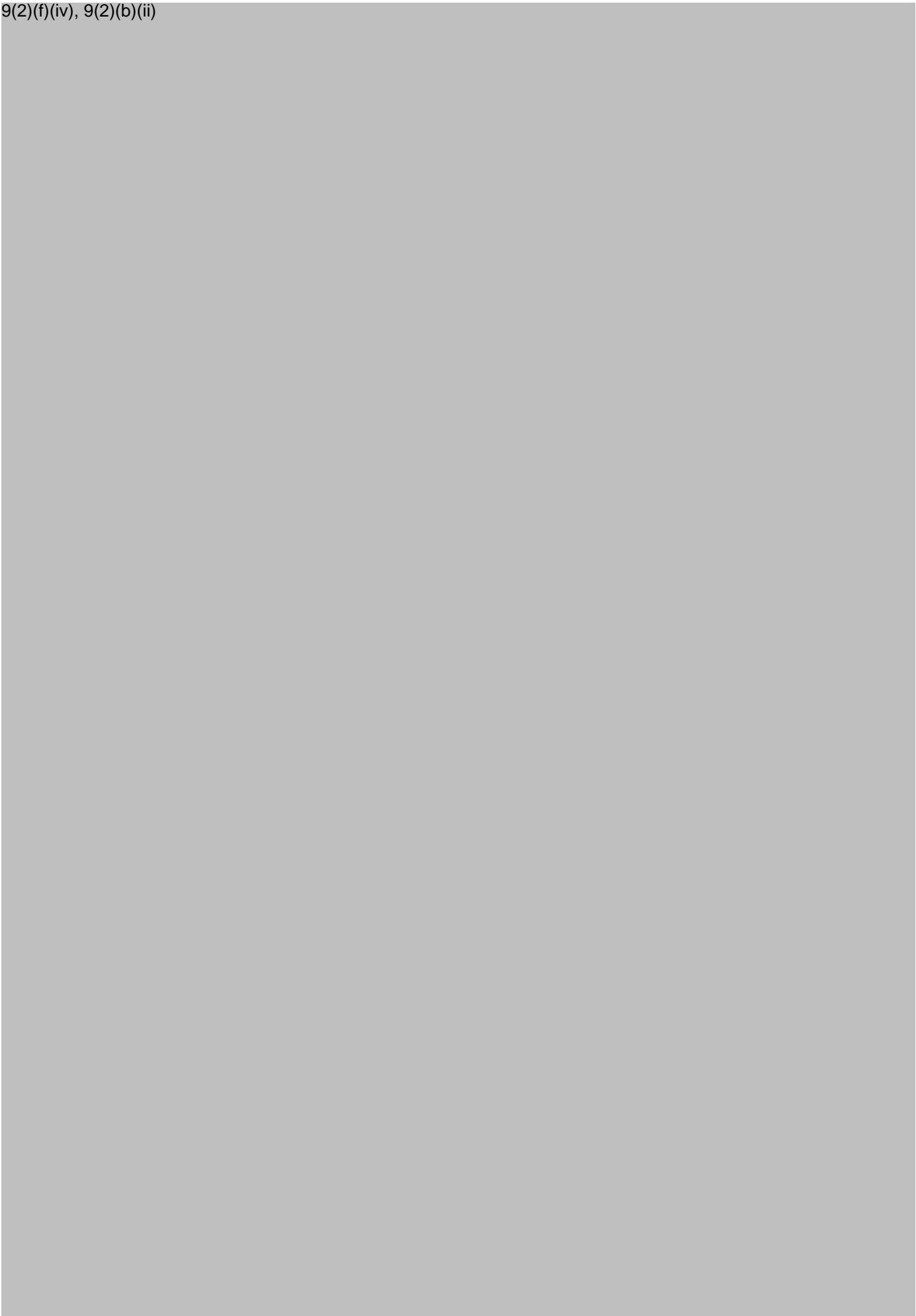





9(2)(f)(iv), 9(2)(b)(ii)



9(2)(f)(iv), 9(2)(b)(ii)



9(2)(f)(iv), 9(2)(b)(ii)





**To:** Hon Shane Jones, Minister for Oceans and Fisheries  
Hon Chris Bishop, Minister Responsible for RMA Reform  
**From:** Julie Collins, Deputy Director-General Policy and Trade

## Integrating the Undue Adverse Effects on fishing test into the Fast-Track Consenting Bill

<b>Date</b>	28 February 2024	<b>Reference</b>	B24-0175
<b>Decision required</b>		<b>Date decision required by</b>	
YES <input checked="" type="checkbox"/> / NO <input type="checkbox"/>		29 February 2024	

### Purpose

This briefing responds to your request for advice on the substantive policy approvals and technical drafting matters that are required to incorporate the Undue Adverse Effects (UAE) on fishing test in the Fast-Track Consenting (FTC) Bill.

### The UAE Test can be incorporated within the FTC Bill

1. At their meeting on 27 February 2024 Resource Management Ministers agreed to incorporate the UAE test in the FTC Bill to achieve its 'one stop shop' legislative objectives. Responsibility for deciding required policy changes and associated technical drafting matters was delegated to the Minister Responsible for RM Reform.
2. To meet drafting timeframes for the FTC, the Ministry for the Environment has requested the Ministry for Primary Industries to provide advice on this matter directly to the Minister Responsible for RMA Reform.
3. The UAE test is an existing test that the Ministry for Primary Industries is required to undertake to assess the effects of a proposed marine farm area on fishing. MPI undertakes this test on request from a regional council after a new marine farm resource consent application has been approved. The test is not required when an existing marine farm has its consent renewed.
4. A marine farm proposal cannot proceed if the UAE test indicates it will have an undue adverse effects on recreational, customary, or commercial fishing. The only exception is where applicants have reached an Aquaculture Agreement with affected quota holders<sup>1</sup>.

<sup>1</sup> Aquaculture Agreements are a tool provided in the Fisheries Act for applicants to document quota purchase/compensation agreements

5. The UAE test provides a mechanism to ensure fisheries-related Treaty settlements are upheld when new aquaculture applications are made.
6. **Appendix One** requests your agreement to the policy decisions to enable the UAE test to be incorporated in the FTC Bill. These will:
  - a) Require MPI to undertake the UAE test when an aquaculture activity in the coastal marine area is referred or listed under the FTC;
  - b) Require MPI to provide a recommendation to the expert FTC panel rather than to make a UAE decision;
7. Require joint Ministers to make an aquaculture decision when making a decision to grant an aquaculture project. Ministers decision may depart from the MPI recommendation made to the FTC Panel.

## Recommendations

---

8. It is recommended that you:

- a) **Note** that joint Resource Management Ministers agreed to include the Undue Adverse Effects on fishing test in the Fast-Track Consenting Bill and delegated detailed decisions to the Minister for Resource Management Reform

**NOTED**

- b) **Indicate** your decisions in relation to the recommendations outlined in **Appendix One**

**YES / NO**

- c) **Authorise** the Ministry for Environment to update Parliamentary Counsel drafting instructions to reflect your decisions in relation to **Appendix One**

**YES / NO**

Julie Collins  
Deputy Director-General  
Policy and Trade

Hon Shane Jones  
Minister for Oceans and Fisheries

/ / 2024

Hon Chris Bishop  
Minister Responsible for RMA Reform

/ / 2024

## Appendix One: Fisheries Act approvals

Proposal	Advice and analysis	Recommendations	Decisions
<b>Incorporating Fisheries Act aquaculture decision approvals into Fast-track Consenting Bill</b>	<p>As well as a coastal permit under the RMA, aquaculture decisions (or the Undue Adverse Effects on fishing test – UAE test) are required under the Fisheries Act 1996 before an aquaculture activity can commence. This requires MPI to undertake an assessment of whether the proposed aquaculture activity would have an undue adverse effect on customary, recreational or commercial fishing. While 'reservations' on UAE tests are rare (none have been made since 2011), this creates a mechanism for assessing and protecting against undue impacts on fisheries resource users, including to ensure obligations and rights established through the Treaty of Waitangi (Fisheries Claims) Settlement Act 1991 are upheld.</p> <p>Under an RMA process, councils will request an aquaculture decision from the chief executive of MPI immediately following approval of a coastal permit for an aquaculture activity. The timeframe for response is typically within 20 working days. In a minority of instances, this MPI will consult with people whose customary, recreational or commercial fishing interests may be affected by the proposed activity.</p> <p>UAE tests are only required for new activities rather than activities seeking re-consent, unless the proposal includes conditions that MPI have 'tagged' through previous UAE test processes.</p>	<ol style="list-style-type: none"> <li><b>Agree</b> that, where a listed project or referred project under the Fast-track Consenting Bill includes coastal permits for aquaculture activities, the Bill enables joint Ministers to also make aquaculture decisions under the Fisheries Act.</li> <li><b>Note</b> that delegated Ministers have already made decisions relating to aquaculture decisions, and that some of these will be rescinded or modified to enable joint Ministers to make aquaculture decisions (specific recommendations are provided where this is the case).</li> </ol>	<p><b>Yes   No</b></p> <p><b>Noted</b></p>
<b>Panel must request chief executive of MPI provide a recommendation on an aquaculture decision</b>	<p>The FTC process will require the Panel will to request the chief executive of MPI make a recommendation on an aquaculture decision in parallel to the Panel considering the consent application.</p> <p>This request will need to occur once the Panel has received the application, but before the Panel invites written comments on the application (which is within 5 working days of the Panel receiving the application).</p> <p>As such, the Bill will need to require that, if the Panel receives an application which includes coastal permits for aquaculture activities where Schedule 4, Clause 26 of the Bill (as per PCO version 2.1)<sup>2</sup> applies (i.e., where it is a marine farm that will require a UAE test), then the Panel must, within 3 working days of receiving the application and at least 2 working days before inviting written comments, request the chief executive of MPI make a recommendation on an aquaculture decision.</p> <p>If the Panel is sending two or more requests to make a recommendation on an aquaculture decision to MPI at a time, the Panel must indicate the order in which the applications were received.</p> <p>An existing recommendation relating to the Panel requesting the UAE test once the consent is granted will need to be rescinded.</p>	<ol style="list-style-type: none"> <li><b>Agree</b> that, where the Panel receives an application which includes coastal permits for aquaculture activities where Schedule 4, Clause 26 of the Bill (as per PCO version 2.1) applies, the Panel must, within 3 working days of receiving the application and at least 2 working days before inviting written comments, request the chief executive of MPI make a recommendation on an aquaculture decision.</li> <li><b>Agree</b> that if the Panel is sending two or more requests to make a recommendation on an aquaculture decision to MPI at a time, the panel must indicate the order in which the applications were received.</li> <li><b>Agree</b> to rescind Recommendation 114, Appendix 1 – Table B, MFE BRF-4115 - Fast-track legislation delegated decisions Paper #1</li> </ol>	<p><b>Yes   No</b></p> <p><b>Yes   No</b></p> <p><b>Yes   No</b></p>
<b>Pre-request aquaculture agreements</b>	<p>Section 186ZM of the Fisheries Act enables applicants to voluntarily negotiate with quota owners and agree on compensation for the adverse effects of marine farms on commercial fishing for a quota management system (QMS) stock through pre-request aquaculture agreements. Effects on any QMS stocks covered by a pre-request aquaculture agreement are not included in the UAE test. Currently, pre-request aquaculture agreements must be lodged after an applicant has applied for a coastal permit but before the consent authority's request for an aquaculture decision.</p> <p>Delegated ministers have already agreed to allow for pre-request aquaculture agreements by carrying over provisions from the COVID-19 Fast-track Consenting Act. These decisions will need to be modified to require a pre-request aquaculture agreement to be lodged with the chief executive of MPI before the Panel requests the chief executive to provide a recommendation on an aquaculture decision. Decisions relating to suspensions of consent processing time periods to allow applicants to negotiate a pre-request aquaculture agreement will also need to be modified so that any suspension must occur before the Panel requests the chief executive to provide a recommendation on an aquaculture decision.</p>	<ol style="list-style-type: none"> <li><b>Agree</b> that any pre-request aquaculture agreement relevant to an application being processed under the Fast-track Consenting Bill must be lodged with the chief executive of MPI before the Panel requests the chief executive to provide a recommendation on an aquaculture decision.</li> <li><b>Agree</b> that a consent applicant may make a written request to the EPA that a panel suspend processing a consent application or notice of requirement if the consent applicant advises that the suspension is necessary for the purpose of negotiating a pre-request aquaculture agreement.</li> <li><b>Agree</b> that such a request must be made prior to the Panel requesting the chief executive to provide a recommendation on an aquaculture decision.</li> </ol>	<p><b>Yes   No</b></p> <p><b>Yes   No</b></p> <p><b>Yes   No</b></p>

<sup>2</sup> Refer MFE BRF- 4115 - Fast-track legislation delegated decisions Paper #1, Appendix 1 – Table B, Recommendation 105



<p><b>Chief executive of MPI must make a recommendation on an aquaculture decision</b></p>	<p>Subpart 1 of Part 9A of the Fisheries Act sets out how the chief executive of MPI makes an aquaculture decision when a council approves a coastal permit for an aquaculture activity.</p> <p>Officials recommend that the general framework of this subpart forms the basis of how the chief executive of MPI will make a recommendation on an aquaculture decision under the Fast-track Consenting Bill, with necessary modifications as detailed below.</p> <p>Officials recommend that, where the chief executive of MPI decides to seek information or consult certain persons for purposes of making aquaculture decision (see s186D Fisheries Act), this must occur in parallel with the Panel seeking written comments on the application and information must be provided within 10 working days.</p> <p>With regard to s186F, officials recommend that projects referred by the Panel to the chief executive for making a recommendation on an aquaculture decision are prioritised for processing over aquaculture decisions being made in response to applications granted under the RMA. This will ensure projects progressing under the Fast-track Consenting Bill are not unduly delayed, however has associated risks of disadvantaging applications in the queue that were granted under the RMA.</p> <p>In addition, many of the terms in Section 186C (interpretation) will need modification to reflect the amended process.</p>	<p>9. <b>Agree</b> that section 186C and Subpart 1 of Part 9A of the Fisheries Act are carried over as a Schedule of the Fast-track Consenting Bill, with necessary modifications, to reflect the chief executive of MPI making a recommendation on an aquaculture decision.</p> <p>10. <b>Agree</b> that, if the chief executive of MPI decides to seek information or consult certain persons for purposes of making aquaculture decision (see s186D Fisheries Act), this must occur in parallel with the Panel seeking written comments on the application and information must be provided within 10 working days.</p> <p>11. <b>Agree</b> that projects referred by the Panel to the chief executive for making a recommendation on an aquaculture decision are prioritised for processing over aquaculture decisions being made in response to applications granted under the RMA.</p>	<p>Yes   No</p> <p>Yes   No</p> <p>Yes   No</p>
<p><b>Panel must comment on an aquaculture decision as part of its recommendation to joint Ministers</b></p>	<p>The Panel will receive the recommendation on an aquaculture decision from the chief executive of MPI and then consider it as part of its recommendation to joint Ministers on whether to approve or decline the project. When making a recommendation to joint Ministers, the Panel must include comment on the recommendation on an aquaculture decision.</p> <p>In undertaking a UAE test, a key focus for MPI in determining whether there will be any undue adverse effects, is the consented area of the farm and the physical structures that are proposed. As part of further consideration of the application in response to the recommendation on an aquaculture decision and written comments, the Panel could recommend modifying one or both of these aspects of the application. If that is the case, officials recommend that Panel be able to request the chief executive of MPI provide an updated recommendation on an aquaculture decision. Such an update would be required to be provided in 5 working days of the request of the Panel, and the chief executive would not be able to seek information or consult certain persons for purposes of making aquaculture decision.</p>	<p>12. <b>Agree</b> that, when making a recommendation to joint Ministers on whether to grant or decline a project related to aquaculture activities, the Panel must include comment on the recommendation made by the chief executive of the Ministry for Primary Industries.</p> <p>13. <b>Agree</b> that, if through the Panel consideration of the application, the consented area of the farm or physical structures that are proposed, are materially changed, the Panel may request the chief executive of MPI provide an updated recommendation on an aquaculture decision.</p> <p>14. <b>Agree</b> that the chief executive of MPI must provide an updated recommendation on an aquaculture decision within 5 working days of the request from the Panel.</p>	<p>Yes   No</p> <p>Yes   No</p> <p>Yes   No</p>
<p><b>Joint Ministers must make an aquaculture decision</b></p>	<p>If joint Ministers are making a decision on an application that involves aquaculture activities, they must make an aquaculture decision. In line with approaches for other approvals under the Bill, officials recommend joint Ministers can make an aquaculture decision that is different from the recommendation made by the chief executive of MPI. 9(2)(f)(iv), 9(2)(g)(i)</p> <p>There are challenges in incorporating the aquaculture decision into the broader decision-making framework, as the aquaculture decision is a threshold test, whereas decisions on other permissions (including consents) involving weighting considerations.</p> <p>Officials recommend that, should joint Ministers grant a consent relating to aquaculture activities, the consent commences in accordance with s116A of the RMA, with necessary modifications to reflect the modified approach to making aquaculture decisions under the Fast-track Consenting Bill. This would mean that:</p> <ul style="list-style-type: none"> <li>• If joint Ministers make a determination, the consent can commence</li> <li>• If joint Ministers make a reservation relating to recreational fishing or customary fishing or commercial fishing in relation to stocks or species not subject to the quota management system the consent is cancelled to the extent of the area that the reservation applies to</li> <li>• If joint Ministers make a reservation relating to commercial fishing in relation to stocks or species subject to the quota management system, the consent cannot commence in relation to that area unless an aquaculture agreement or compensation declaration has been registered with MPI.</li> </ul> <p>In considering the recommendation from the Panel, joint Ministers must consider the recommendation of an aquaculture decision by the chief executive of MPI, and any comment the Panel has on that.</p> <p>As part of their consideration of the application, joint Ministers could modify the farm and the physical structures that are proposed. If that is the case, officials recommend that joint Ministers be able to request the chief executive of MPI provide an updated recommendation on an aquaculture decision. Such an update would be required to be provided in 5 working days of the request of joint Ministers, and the chief executive would not be able to seek information or consult certain persons for purposes of making aquaculture decision.</p>	<p>15. <b>Agree</b> that, where an application involves aquaculture activities, joint Ministers must make an aquaculture decision should they grant the consent.</p> <p>16. <b>Agree</b> that joint Ministers can make a different aquaculture decision than the recommendation of the chief executive of MPI.</p> <p>17. <b>Agree</b> that s116A applies to the commencement of consents for aquaculture activities under the Fast-track Consenting Bill, with necessary modifications.</p> <p>18. <b>Agree</b> that, if through the joint Ministers consideration of the application, the consented area of the farm or physical structures that are proposed, are materially changed, joint Ministers may request the chief executive of MPI provide an updated recommendation on an aquaculture decision.</p> <p>19. <b>Agree</b> that the chief executive of MPI must provide an updated recommendation on an aquaculture decision within 5 working days of the request from joint Ministers.</p>	<p>Yes   No</p> <p>Yes   No</p> <p>Yes   No</p> <p>Yes   No</p> <p>Yes   No</p>



<b>Precis to</b>	<b>Minister for Oceans and Fisheries</b>
<b>Paper Title</b>	<b>Fast-Track Approvals Bill: Approval for Introduction</b>
<b>Lead Minister</b>	Minister Responsible for RMA Reform Minister for Regional Development, Oceans and Fisheries, and Resources
<b>Committee Date</b>	4 March 2024 - Cabinet
<b>Summary of Paper</b>	<p>The Fast-track Approvals Bill ('Bill') provides a streamlined decision-making process to deliver infrastructure and development projects with significant regional or national benefits, including agriculture. This paper seeks Cabinet's:</p> <ul style="list-style-type: none"> <li>• authorisation to introduce the Bill to the House;</li> <li>• endorsement of the decisions made by delegated Ministers; and</li> <li>• decision on the next steps for the Bill.</li> </ul> <p>There are several parts of the Cabinet paper and Bill that we suggest you note at the meeting, along with the suggested talking points below.</p> <p><i>Purpose of the Bill and interaction with other legislation</i></p> <ul style="list-style-type: none"> <li>• The purpose of the Bill will take precedence over other considerations including environmental considerations. Approvals can be granted despite other legislation not allowing them, including activities that are prohibited under the Resource Management Act 1991 (RMA) and associated national direction.</li> </ul> <p><i>Projects and referral process</i></p> <ul style="list-style-type: none"> <li>• A range of projects will be eligible for the fast-track (FT) process if they meet the purpose of the Bill, including aquaculture projects. They may be a single large project or a portfolio of smaller, related projects which may cross local authority boundaries.</li> <li>• The purpose of the Bill includes whether a project has regional or national significance, but does not include a test or threshold to assess this.</li> <li>• Joint Ministers (Ministers for Infrastructure, Transport, and Regional Development) will determine if an application should be referred to an Expert Panel. The Expert Panel will assess the application and make a recommendation on whether the approvals should be granted or declined. Joint Ministers will make the final decision on whether approvals should be granted or declined.</li> </ul> <p><i>Treaty of Waitangi matters and public participation</i></p> <ul style="list-style-type: none"> <li>• There is no Treaty clause in the Bill but Ministers will have a broad ability to decline applications at the referral stage if they are inconsistent with a Treaty settlement.</li> <li>• Public participation requirements have been reduced to focus only on those who are directly affected by a proposal.</li> </ul> <p><i>Public Works Act</i></p> <ul style="list-style-type: none"> <li>• The Public Works Act 1981 (PWA) has been added to the list of one-stop-shop approvals that can be provided through the FT process. This is likely an area of focus for the Select Committee because it opens up theoretical potential for the FT process to override private property rights without any opportunity for a merits-based appeal.</li> </ul>



	<ul style="list-style-type: none"> <li>• MfE has indicated that PWA incorporation may require additional policy approvals and procedural safeguards to be inserted via the Departmental Report.</li> <li>• The Bill will also include a more efficient Environment Court process for PWA processes.</li> </ul> <p>9(2)(f)(iv)</p> <p><i>Aquaculture decisions under the Fisheries Act 1996 as part of the one-stop-shop</i></p> <ul style="list-style-type: none"> <li>• At your request Ministers agreed to include aquaculture decisions made under the Fisheries Act 1996 within the scope of the Bill.</li> <li>• New marine aquaculture space needs an aquaculture decision as a check against causing an undue adverse effect on fishing activities.</li> <li>• Drafting to include this approval in the Bill is underway and we expect it to be included in the Bill as introduced, although it is not included in the version of the Bill attached to this Cabinet paper.</li> </ul> <p><i>Administration of the Bill</i></p> <ul style="list-style-type: none"> <li>• The Bill states MfE and MBIE as the responsible agencies. In our view, MBIE would be a good fit from a policy perspective, but MfE's technical RMA expertise may be valuable to the process.</li> <li>• A final decision on the responsible agency will be made during the Select Committee phase.</li> </ul> <p><i>Next steps</i></p> <ul style="list-style-type: none"> <li>• The Bill will be introduced and have its first reading on 7 March. The Bill will then be referred to the Environment Select Committee for up to six months before it is enacted by the end of 2024.</li> </ul>
<p><b>MPI's interest / involvement</b></p>	<p>9(2)(f)(iv)</p> <ul style="list-style-type: none"> <li>• MPI officials (including the Aquaculture team) have worked closely with MfE officials throughout the development of the Bill.</li> </ul> <ul style="list-style-type: none"> <li>• While the Bill provides development opportunities for Māori and for their rights and interests, the absence of a general Treaty clause in the Bill will likely generate large public interest, as there will be significant impacts on other Māori that are not protected by the clause on Treaty settlements in the Bill.</li> </ul>
<p><b>Talking Points for the Cabinet Committee Meeting</b></p>	<ul style="list-style-type: none"> <li>• I support the Bill's intent to deliver aquaculture growth without the excessive costs and delays of the status quo.</li> <li>• This Bill will cut the red tape which has prevented large marine farms in the open ocean from getting approved. Open ocean marine farming is critical for New Zealand's economic growth and will contribute to thriving regions.</li> <li>• The Bill will make it easier for businesses to get the range of approvals they need through one process, including aquaculture decisions under</li> </ul>

	<p>the Fisheries Act 1996. I am assured that the drafting of this section of the Bill is underway and that aquaculture decisions will be included in the Bill at introduction.</p> <p>9(2)(f)(iv)</p>
<b>MPI Contact</b>	<p>Lisa Collins, Manager, Aquaculture Policy (9(2)(a))</p> <p>Alastair Cameron, Director, Primary Sector Policy (9(2)(a))</p>

## **Fast-Track Approvals Bill: Talking points on potential benefits for aquaculture and water storage**

*5 March 2024*

### **Context**

The Fast-Track Approvals Bill will be introduced and have its first reading on Thursday 7 March. Minister Bishop's office is coordinating the communication approach for the Bill. The Fast-Track Approvals Bill will not include a list of specific projects that are eligible for fast-track approval. Instead, an independent process will assess projects alongside the Select Committee process. The Ministry for the Environment (MfE) is providing a pack of materials with back-pocket information about the Fast-Track Approvals regime.

### **Next steps**

7 March – First reading. Bill will then go to Select Committee.

7-8 March – MfE web page on Bill will go live.

11 March – MfE proposing to send out stakeholder updates.

## **Talking points - How the Fast-track Approvals Bill provides for aquaculture development**

### *The Fast-track Approvals Bill addresses slow consenting processes and regulatory barriers hindering aquaculture development*

- Industries such as aquaculture play a critical role in our national and regional economies. We are committed to supporting their development and the shared prosperity they create through more jobs, better incomes, and increased export revenue.
- The RMA has not delivered the aquaculture growth needed. We have consistently heard of the barriers to getting a consent for aquaculture, including national direction that is inadequate for an evolving industry, and outdated regional coastal plans that inhibit growth in key aquaculture regions.
- The economic opportunity from aquaculture projects suitable for immediate fast-tracking alone is estimated to be over \$500 million in annual revenue. The recently declined Hananui salmon farm off the coast of Rakiura could have generated \$330 million annually and created over 1,000 jobs both directly and indirectly.
- The streamlined consenting process of the Bill will also save on consenting costs, which for aquaculture proposals can be several million dollars before a decision is made.

### *The Bill protects and supports aquaculture development enabled through Treaty settlements*

- We are committed to upholding Treaty settlements through this Bill. This includes by protecting iwi interests within aquaculture settlement areas, and in areas reserved for aquaculture activities in individual iwi settlements.
- The Bill will also better support iwi wishing to begin or expand their involvement in the aquaculture industry. Iwi aquaculture activities within settlement areas will be automatically considered to have regional and/or national benefits, and will benefit from the increased certainty of the Fast-track process more generally.

### *The Fast-track Approvals Bill will grant aquaculture-related approvals under the Fisheries Act*

- Aquaculture decisions under the Fisheries Act have been integrated into the Fast-track Approvals Bill to assess potential effects from an aquaculture activity on recreational, customary, and commercial fishing. Consolidating this test into the Bill achieves further certainty and efficiency for applicants, while upholding fisheries-related Treaty settlements and recognising fisheries interests.

### *General points on the Fast-track Approvals Bill*

- Consenting of major projects costs too much, takes too long, and creates significant uncertainty of outcome for applicants - including for aquaculture proposals. The Fast-track Approvals Bill has been designed to tackle this. It will deliver a more efficient and certain process, so developers of significant projects can be more confident in getting their approvals over the line without unjustified delays, risks, and costs.
- The Fast-track Approvals Bill has therefore been tailored to assess not only infrastructure projects but also large-scale development projects. This is reflected throughout the Bill, for example in the assessment criteria for listing and referring projects.
- A key feature of the Fast-track Approvals Bill is the primacy it has over other legislation. This ensures a project's benefits can be considered alongside, and where appropriate outweigh, considerations in other underlying legislation.



- Approval decisions will be made by Ministers, who are well placed to weigh up expected benefits against risks at a national scale. This is key to assessing the benefits of aquaculture projects, which along with their economic benefits will only increase in scale, as technology and innovation enables larger-scale development to occur such as through open ocean salmon farming.
- The Fast-track regime will be permanent. This means as well as facilitating immediate economic development through listed projects, we are also signalling to industries like aquaculture that there will be an enduring pathway for referral.
- The Fast-track Approvals Bill also provides for consenting and future development in the Exclusive Economic Zone.

## Talking points for water storage

### *Water is the lifeblood of New Zealand's economy*


- We rely on water to maintain our health and wellbeing, produce food, generate energy, and enhance our sustainability credentials internationally.
- New Zealand has abundant natural water resources.
- Our key challenge is that only a tiny amount of the country's freshwater water is captured for productive use.
- Improving water storage and availability ensures it is available when and where it's needed. This enables farmers and growers to reduce their exposure to weather-related events like drought.
- Rainfall patterns are becoming more unpredictable as the climate changes, affecting the ability of food and fibre producers and the community to access water.
- Up to 90 percent of fruit and vegetables grown in New Zealand rely on irrigation.
- Developing improved water storage and distribution infrastructure will help unlock the economic potential of land being used for agriculture and horticulture.
- The Government has set an ambitious trade target of doubling the value of our exports within 10 years.
- Successive economic impact reports have profiled the key role that efficient water storage and distribution projects can play in:
  - optimising the performance of New Zealand's agriculture and horticulture businesses,
  - supporting the transition towards land uses that have a higher economic and lower environmental footprint, and
  - helping unlock the potential of Māori agribusinesses.
- Work on current water storage projects has shown this to be the case:
  - Work on the Waimea Community Dam in the Tasman district began in early 2019, employing approximately 150 local people during construction. The dam has an estimated economic benefit ranging between \$600 to \$900 million during its first 25 years, and is expected to result in a 10 percent decrease in nitrogen leaching,
  - The Te Tai Tokerau Water Trust, which was created in mid-2020 to initiate water storage and distribution schemes in two areas in Northland that have high quality soils, is forecast to create up to 440 new jobs and lift the value of the Mid-North's output by \$178 million.

### *An independent process will assess projects for eligibility*

- This will run alongside the Select Committee process.
- Accessing the fast-track approvals process will remove the cost and uncertainty associated with current consenting processes, enabling increased investment in the storage and distribution projects that are critical to improving water security and resilience levels at the national and regional scale.


- My expectation is that the fast-track approvals process will be accessed by projects with the potential to deliver infrastructure with many benefits that supports sustainable food and fibre production, improves the security of community drinking water supplies, and enhances ecosystem performance.

9(2)(f)(iv)




MPI comments on draft Fast-track Consenting Bill – version 2.0 dated received 23/2/24

9(2)(h)



Out of Scope


9(2)(h)



Out of Scope

Out of Scope


9(2)(h)



Out of Scope

Out of Scope


9(2)(h)



Out of Scope

Out of Scope ]

9(2)(h)




Out of Scope



Out of Scope


9(2)(h)



Out of Scope

Out of Scope

9(2)(h)



Out of Scope

<b>Paper Title</b>	<b>Fast-Track Approvals Bill: Approval for Introduction</b>
<b>Lead Minister</b>	Minister Responsible for RMA Reform Minister for Regional Development, Oceans and Fisheries, and Resources
<b>Date to Committee</b>	4 March 2024 - Cabinet
<b>Summary of Paper</b>	<p>The Fast-track Approvals Bill ('Bill') provides a streamlined decision-making process to deliver infrastructure and development projects with significant regional or national benefits, including agriculture. This paper seeks Cabinet's:</p> <ul style="list-style-type: none"> <li>• authorisation to introduce the Bill to the House;</li> <li>• endorsement of the decisions made by delegated Ministers; and</li> <li>• decision on the next steps for the Bill.</li> </ul> <p>There are several parts of the Cabinet paper and Bill that we suggest you note at the meeting, along with the suggested talking points below.</p> <p><i>Purpose of the Bill and interaction with other legislation</i></p> <ul style="list-style-type: none"> <li>• The purpose of the Bill will take precedence over other considerations including environmental considerations. Approvals can be granted despite other legislation not allowing them, including activities that are prohibited under the Resource Management Act 1991 (RMA) and associated national directions.</li> </ul> <p><i>Projects and referral process</i></p> <ul style="list-style-type: none"> <li>• A range of projects will be eligible for the fast-track (FT) process. They may be a single large project or a portfolio of smaller, related projects which may cross local authority boundaries.</li> <li>• The Bill does not include a test for regional or national significance.</li> <li>• Joint Ministers (Infrastructure, Transport and Regional Development) will determine if an application should be referred to an Expert Panel. The Expert Panel will assess the application and make a recommendation on whether the approvals should be granted or declined. Joint Ministers will make the final decision on whether approvals should be granted or declined.</li> <li>• Delegated Ministers agreed that the introduced version of the Bill would not include listed projects.</li> <li>• 9(2)(f)(iv) [Redacted]</li> <li>• 9(2)(g)(i) [Redacted]</li> </ul> <p><i>Treaty of Waitangi matters and public participation</i></p> <ul style="list-style-type: none"> <li>• 9(2)(g)(i) [Redacted]</li> <li>• Public participation requirements have been reduced to focus only on those who are directly affected by a proposal.</li> </ul> <p><i>Public Works Act</i></p>

	<ul style="list-style-type: none"> <li>• The Public Works Act 1981 (PWA) has been added to the list of one-stop-shop approvals that can be provided through the FT process. 9(2)(f)(iv), 9(2)</li> <li>• 9(2)(g)(i)</li> <li>• The Bill will also include a more efficient Environment Court process for PWA processes.</li> </ul> <p><i>Administration of the Bill</i></p> <ul style="list-style-type: none"> <li>• At this meeting, Cabinet will likely discuss the appropriate agency that will administer the Bill. In our view, MBIE would be a good fit from a policy perspective, but MfE's technical RMA expertise may be valuable to the process.</li> </ul> <p><i>Next steps</i></p> <ul style="list-style-type: none"> <li>• The Bill will be introduced and have its first reading on 7 March. The Bill will then be referred to the Environment Select Committee for up to six months before it is enacted by the end of 2024.</li> </ul>
<b>MPI's interest / involvement</b>	<ul style="list-style-type: none"> <li>• MPI officials (including the Aquaculture team) have worked closely with MfE officials throughout the development of the Bill.</li> <li>• 9(2)(f)(iv)</li> <li>• 9(2)(f)(iv), 9(2)(g)(i)</li> <li>• While the Bill provides development opportunities for Māori and for their rights and interests, 9(2)(g)(i)</li> <li>• Officials do not have a strong preference for MPI to be involved in administering the Bill.</li> </ul>
<b>Talking Points for the Cabinet Committee Meeting</b>	<ul style="list-style-type: none"> <li>• I support the Bill's intent to deliver infrastructure, in particular for the rural environment without the excessive costs and delays of the status quo.</li> <li>• 9(2)(g)(i)</li> <li>• 9(2)(f)(iv)</li> </ul>
<b>MPI Contact</b>	<p>Charlotte Denny (Director, Natural Resources Policy) 9(2)(a)</p> <p>Tom Corser (Manager, Land Policy) 9(2)(a)</p>



<b>Cabinet Paper Title</b>	<b>A permanent fast-track consenting regime for regional and national projects of significance</b>
<b>Lead Ministers</b>	Hon Chris Bishop, Minister Responsible for RMA Reform
<b>Lead Agencies</b>	Office of the Minister Responsible for RMA Reform
<b>Committee</b>	Cabinet
<b>Committee Date</b>	Tuesday, 23 January 2024

<b>Summary of Cabinet Paper</b>	<p>This paper seeks agreement to:</p> <ul style="list-style-type: none"><li>a. key policy decisions to provide for a permanent fast-track one stop shop consenting regime that will provide a more efficient pathway for consenting significant infrastructure and development projects;</li><li>b. issue drafting instructions to the Parliamentary Council Office (PCO) to enable a bill to be introduced within the first 100 days in office (by 7 March 2024).</li></ul> <p>The Coalition agreement states that:</p> <p><i>The Parties commit to establish a fast-track one-stop-shop consenting and permitting process for regional and national projects of significance. The process will include a referral by Ministers for suitable projects. A bill to introduce this process and make other essential statutory amendments will have its first reading as part of the government's 100-day plan.</i></p> <p>The Bill will be standalone legislation with a clear purpose focused on enabling faster development of projects that will bring significant benefits to New Zealand and its regions.</p> <p>Applications for fast-track consenting will be assessed against a set of criteria by the Minister for Infrastructure as responsible Minister (with assistance from relevant agencies), to determine their benefits for our economy and environment. The assessment will ensure protections for Treaty of Waitangi settlements and other legislative arrangements including under the Marine and Coastal Area (Takutai Moana) Act 2011, Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, Mana Whakahono ā Rohe and Joint Management Agreements made under the Resource Management Act 1991 (RMA).</p> <p>The Minister for Infrastructure would then decide whether to refer the project to an Expert Panel (EP). The EP would then apply any necessary conditions to ensure a project meets environmental and other outcomes. The EP will have only a very limited ability to decline a project once it has been referred. The aim of the new fast-track regime is for appropriate and relevant consent conditions to be imposed; but not for projects to be turned down.</p> <p>9(2)(f)(iv)</p> <p>Cabinet approval is being sought to issue drafting instructions to PCO in a staged manner, based on the key elements of the regime set out in this paper</p>
---------------------------------	--

and on further detailed decisions which I propose are delegated to the following ministers (in consultation with other ministers on matters that are relevant to their portfolios):

- a. Minister Responsible for RMA Reform
- b. Minister of Housing
- c. Minister for Infrastructure
- d. Minister of Transport
- e. Minister for Energy
- f. Minister of Local Government
- g. Minister of Conservation
- h. Minister for Māori Crown Relations: Te Arawhiti
- i. Minister for Regional Development
- j. Minister for Oceans and Fisheries
- k. Minister for Resources
- l. Minister for the Environment

The Minister for RMA Reform proposes to return to Cabinet on 4 March 2024 seeking approval of those further decisions and introduction of the bill by 7 March 2024 (within 100 days of taking office).

The Government's 100-day plan and coalition agreement committed to a three-phase plan to reform the resource management system in New Zealand [CAB-23-MIN-0473 refers]:

- Phase one: repeal the Natural and Built Environment Act (NBA) and Spatial Planning Act (SPA) is now complete.
- Phase two: is to introduce a fast-track consenting regime and make targeted amendments to the Resource Management Act 1991 (RMA) by late 2024.
- Phase three: (introduction in late 2026) is to replace the current RMA with new resource management legislation based on the enjoyment of property rights, while ensuring good environmental outcomes.

Phase two, *Targeted Amendments to the RMA*, will see other improvements to the resource management system to progress the coalition agreement objectives to reduce the regulatory burden on the primary sector, and unlock investment and growth in infrastructure, renewable energy, housing, and business development.

The Minister of Infrastructure proposes that this RMA amendment bill is the vehicle to clarify that resource consent applicants do not need to demonstrate that their proposed activity adheres to the Te Mana o te Wai obligations in the National Policy Statement for Freshwater Management 2020 [CAB-23-MIN-0486 refers]. Cabinet previously agreed to make these amendments as part of

	<p>the Fast-track Consenting (FTC) bill. This separate legislation is to be introduced by April 2024.</p> <p>The key elements of the permanent regime proposed are:</p> <ul style="list-style-type: none"> <li>• standalone legislation (rather than an amendment to existing legislation), with its own statutory purpose,</li> <li>• provision for RMA approvals only (additional approvals can be added through future amendments),</li> <li>• eligibility criteria that enable a broad range of activities and are based on an assessment of whether the project would result in significant national, regional, or local benefits,</li> <li>• ministerial decisions to refer projects to an EP, and</li> <li>• a requirement for EP to finalise consents within a legislated timeframe.</li> </ul> <p>These will require further detailed decisions, some of which are significant. Minister Bishop is seeking that Cabinet delegates authority to ministers to make further policy decisions in line with the recommendations in this paper. This will allow drafting instructions to be issued to PCO as decisions are made, while ensuring relevant ministers have input into development of the regime.</p>
<p><b>MPI's interest / involvement</b></p>	<p>MPI will continue to work with MfE and support the Parliamentary Counsel Office to ensure that useful provisions in the fast-track consenting bill will meet the needs of the primary sector to reduce the regulatory burden on the primary sector and unlock investment and growth and business development.</p>
<p><b>Key risks</b></p>	<p>9(2)(h), 9(2)(g)(i)</p> <p>[Redacted]</p> <p>9(2)(g)(i)</p> <p>[Redacted]</p> <p>[Redacted]</p>
<p><b>Talking points</b></p>	<p><b>Talking points</b></p> <ul style="list-style-type: none"> <li>• I support the fast-track consenting process to enable benefits from a wider range of important projects for boosting our economy.</li> <li>• I expect targeted RMA amendment bill to proceed at pace so we can make quick progress on our commitment to remove the regulatory burden from farmers with regards to consent conditions.</li> <li>• I expect my officials to be involved in the development of that work.</li> <li>• I would like to see industry consulted on projects that could be considered to go on the list to be included in the new bill.</li> <li>• I would be keen to understand further the circumstances under which the Expert Panel have limited discretion to decline projects referred by the minister.</li> </ul>

[Redacted]

<b>MPI Contact</b>	Charlotte Denny, Director, Natural Resources Policy <sup>9(2)(a)</sup>
<b>Date</b>	19 January 2024