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Fast-track Approvals Amendment Bill

219—1

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Fast-track Approvals Amendment Bill

Recommendation

The Environment Committee has examined the Fast-track Approvals Amendment Bill and reports the bill back to the House without amendment. We recommend by majority that the bill be passed, and recommend that the House take note of our report.

About the bill

This bill would amend the Fast-track Approvals Act 2024. The Act set up a streamlined decision-making process to obtain resource consent and other approvals for infrastructure and development projects that offer significant regional or national benefits. The bill's Explanatory note states that it would amend the Act to:

- improve certainty that grocery retail competition is a relevant factor in deciding whether a project has significant regional or national benefits. This aims to improve competition in the grocery sector
- make operational and technical changes to the fast-track approvals process. These amendments are aimed at improving the efficiency of the process by reducing time frames, duplication, and unnecessary costs, and providing clarity for applicants by addressing ambiguities.

Opposition members of the committee are concerned that describing the bill in this way does not accurately reflect its content. Their differing views are set out in detail later in this report.

About the current fast-track approvals process

To access the fast-track approvals process, applicants must either be listed in Schedule 2 of the Act, or complete a pre-lodgement consultation and apply for referral to use the process. For applicants not listed in Schedule 2, the Minister for Infrastructure assesses the application against a set of criteria. The Minister must seek comments from various groups, including government agencies, local councils, Treaty partners, and other relevant Ministers. The Minister decides whether to refer the application to an expert panel for their consideration.

Certain infrastructure and development projects are listed in Schedule 2 of the Act. These listed projects can apply directly to the Environmental Protection Authority (EPA) to have an expert panel assess their applications, rather than first requiring Ministerial referral. The EPA provides advice and administrative support to the panel convener and expert panels.

The "panel convener" is responsible for convening an expert panel to consider each application that is referred. Expert panels are independent decision-making bodies set up to assess each project application. The panel convener appoints members to each panel,

including a person nominated by the relevant local authority, and must set a timeframe for the panel to make its decision.¹

Panels are responsible for deciding whether approvals should be granted or declined, and can impose specific conditions. Panels may hold hearings, commission reports, and request advice and access to reports, and must invite comments from specified parties. A panel's final decision can be appealed to the High Court only on a question of law, and any statutory decisions made under the Act can be subject to judicial review.

Our process

The Fast-track Approvals Amendment Bill was referred to this committee on 6 November 2025. On 7 November, the Chairperson of the committee called for public submissions on the bill. The Chairperson set a closing date for submissions of 17 November 2025, and signalled her intention to seek the committee's support to report the bill back to the House of Representatives no later than 5 December 2025.

On 10 November 2025, we voted by majority to endorse the call for submissions and closing date set by the Chairperson, and to support a timeline to report the bill back by 5 December. We also decided that, given the indicative timeline for our consideration of this bill, we would not seek to consider or recommend any amendments at the select committee stage. Instead, we decided to devote most of our time to considering public submissions on the bill.

We received written submissions from 2,518 individuals and groups and held almost 15 hours of public hearings on 20, 24, and 25 November 2025. We received advice from the Ministry for the Environment, the Ministry of Business, Innovation and Employment, and the Department of Conservation. Advisers provided a detailed analysis of all submissions in the departmental report.²

Although we did not seek to re-draft the bill, advisers have brought several issues to our attention following public submissions. We understand that the Government has identified several changes that it plans to make to the bill. The Government intends to introduce an amendment paper at committee of the whole House to make these amendments.³ We agree that these identified issues warrant further consideration by the House.

In this report, we first describe the main themes from submissions. We then set out the issues we discussed with advisers, which the House may want to consider further.

Legislative scrutiny

As part of our consideration, we received a letter from the Regulations Review Committee about a regulation-making power in clause 54 of the bill. Clause 54 would insert new section 117A into the Act. It would enable an Order in Council to be made, on the recommendation

¹ The panel convener and associate panel conveners themselves are appointed by the Minister for Infrastructure.

² [Departmental report](#), pp 6–21.

³ Amendment papers set out proposed amendments to a bill in the name of a member or Minister. Committee of the whole House is a stage of the legislative process where any Member of Parliament can debate the provisions of a bill and propose and vote on changes.

of the Minister for Infrastructure, to amend the project description or the described approximate location of a project listed in Schedule 2 of the Act. This type of regulation-making power is known as a Henry VIII provision because it enables primary legislation to be amended, suspended, or overridden by regulation.

The Regulations Review Committee acknowledged that the bill has some safeguards to limit the regulation-making power and may be justified on a policy basis. It recommended that we satisfy ourselves that the safeguards are sufficient. We received advice that this power is an “efficient and proportionate response” to the need to update project descriptions and locations, and that the scope of the power is sufficiently narrow.⁴ The regulation-making power is intended to enable minor or unintentional errors to be corrected or to amend descriptions when projects have “naturally evolved” from when they were first considered and included in Schedule 2.

Overview of submissions

We received written submissions from 2,518 individuals and groups. Submitters represented a range of different groups, including non-governmental organisations, business and industry representatives, local government groups, previous or current applicants to the fast-track process, and iwi, hapū, and Māori groups. A total of 2,323 individuals made submissions. We held hearings with 85 submitters.

Around 95 percent of submitters expressed opposition to the bill. A total of 69 submitters expressed support for the bill, and 66 submitters were neutral.

In this section, we discuss the common themes that emerged in submissions.

Environmental effects

The majority of submitters made comments related to the environment. Many submitters who opposed the bill expressed concern that it would weaken environmental protections. Some submitters, including the Royal Forest and Bird Protection Society of New Zealand Inc, said that the bill could contribute to environmental harm that would have long-term effects, particularly for future generations in New Zealand.

Some of these submitters’ concerns related to the existing fast-track approvals process, as established by the principal Act. Others were concerned that the bill proposed to make changes to the fast-track process that would remove safeguards that helped protect the environment. Submitters expressed apprehension that making the fast-track process “more efficient” might reduce the robustness of decision-making. For example, they felt this could occur if the bill further limited the time expert panels have to consider technical information or thoroughly assess the environmental effects of a proposed project.

The majority of us wish to note that the current fast-track approvals process includes some environmental safeguards. For example, applicants must provide detailed information for substantive applications to enable expert panels to consider the potential adverse effects of a project’s development. The bill would not change these provisions.

⁴ [Departmental report](#), pp 94–95.

Opposition members agree with submitters' concerns that the bill's proposal to allow the Minister to issue a Government policy statement (which we discuss below) could affect a panel's decision-making and detrimentally affect how the Act balances environmental protection. Their differing views are set out in detail later in this report.

Participation and roles in the decision-making processes

Submitters discussed themes related to participation and roles in the fast-track approvals process. Submitters expressed concerns that the bill might:

- increase ministerial influence and discretion over decision-making processes
- reduce transparency and accountability in ministerial decision-making
- threaten the independence of expert panels
- reduce the robustness of decision-making processes, by shortening time frames
- reduce the ability for local communities and voluntary groups to engage with decision-making processes.

These submitters' concerns often related to specific provisions of the bill. For example, the bill would enable the Minister for Infrastructure to give general direction to the EPA, related to its performance and exercise of functions, duties, and powers under the Act. Some submitters, including the Parliamentary Commissioner for the Environment, expressed concern that this power would give the Minister an undue level of influence that could harm the perception of the panel convener's independence.

Submitters also expressed concern about the bill's proposed changes related to comment and appeal provisions. Submitters said that these changes would reduce the ability of the public or environmental advocacy groups to comment on or appeal decisions. Section 11 of the Act requires an applicant to consult certain parties before lodging an application for referral to the fast-track approvals process. The bill would amend section 11 to instead require applicants to "notify", rather than "consult", those parties, who would then have 20 working days to respond.⁵

The bill would also make changes related to the process for expert panels to invite comments from other parties on a substantive application. Currently, under section 53 of the Act, panels have discretion to seek comment from any person that the panel considers appropriate. Clause 33 of the bill would limit that discretion so that, before inviting comments from people about a particular matter, panels would first have to check whether relevant local authorities or administering agencies intended to comment on that matter. If they did not intend to comment, or the panel considered that these comments would not be sufficient, the panel could then invite comments from anyone they considered appropriate. Some submitters expressed concern that this provision may not be workable if, for example, local authorities *intend* to comment but do not actually comment, or the comments do not sufficiently address a matter as expected but the panel is unable to seek comments from other parties in the timeframes involved.

⁵ The bill would still require consultation to occur in some situations, where it is required to by the parent legislation. Requirements would remain for consultation with particular groups under the Marine and Coastal Area (Takutai Moana) Act 2011 and the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

The bill would also amend provisions in the Act related to the right to appeal the panel's final decision. If passed, only parties that comment and that the Act specifies *must* be invited to comment during the decision-making process would be able to appeal a decision on a question of law.⁶ The New Zealand Law Society said this change raises concerns related to natural justice and fairness. It told us that other parties could still file judicial review proceedings, including alleging an error of law, which might result in greater procedural inefficiency, rather than streamlining the process.

Te Tiriti o Waitangi obligations and recognition of Māori rights

Around half of all submitters commented on the bill's implications for obligations under Te Tiriti o Waitangi | the Treaty of Waitangi. In particular, submitters expressed concerns that the proposed amendments would limit the ability for iwi, hapū, Treaty settlement entities, and other Māori groups to engage meaningfully in the fast-track process.

Submitters commented on proposed amendments that would change requirements for applicants to consult, or the process for expert panels to invite comments. They emphasised that it was important for iwi, hapū, and Treaty settlement entities to have opportunities to engage with project applications at all stages, to ensure that any issues of relevance to Treaty settlements can be identified and addressed. Other submitters, including current applicants to the fast-track approvals process, supported the proposed changes or advocated that consultation requirements should be reduced further or made clearer.

Section 7 of the Act states that all persons performing or exercising functions under the Act must act in a manner that is consistent with the obligations arising under existing Treaty settlements and certain customary rights. The bill would not remove these obligations.

Government policy statements

The bill would enable the Minister for Infrastructure to issue a Government policy statement (GPS) to state the Government's policies about the regional or national benefits of certain types of infrastructure or development projects. Any GPS issued under the Act would have to be considered by the Minister and expert panels when considering project applications. The Government has released a draft GPS on grocery competition, separate from the bill.⁷

Submitters expressed concern that this provision might increase the Minister's influence over decisions and undermine the independence of expert panels, by requiring them to give weight to GPSs in considering whether to grant approval to applications. Submitters also advocated that the bill should clearly specify criteria for what a GPS could include, and a process the Minister must follow to develop a GPS.

Other submitters, including port industry and energy industry representatives, supported this provision. These submitters said that the ability for the Minister to issue a GPS would make clearer what kinds of projects meet the threshold for being considered to offer significant regional or national benefits.

⁶ This means that parties who were invited to comment at the panel's discretion, and did so, but were not required to be invited to comment, would not be able to appeal the panel's decision on a question of law.

⁷ [Draft Government Policy Statement—Grocery Competition | Beehive.](#)

Although expert panels would be required to consider any relevant GPS when making decisions about a substantive application, we understand that it would be just one of several factors that they must consider. The policy intent is not for a GPS to be determinative of certain projects gaining approval. An expert panel could still decline approval if the adverse effects of a project were found to be significantly out of proportion to its regional or national benefits.

Time frames for decision-making

The bill aims to increase the efficiency of the fast-track approvals process. To do this, it would introduce or change time frames set for parts of the process. These proposed amendments include:

- introducing a time frame of 10 working days for councils to respond to requests for information about existing resource consents
- enabling certain processes to happen concurrently, rather than sequentially
- requiring an expert panel to direct the EPA to invite written comments on an application no later than 10 working days after the appointment of all panel members
- reducing the time frame in which invited parties must provide comments to the Minister on a referral application from 20 working days to 15 working days
- introducing a time frame of 15 working days for the panel convener to set up an expert panel after receiving notice from the EPA
- introducing a default maximum time frame of 60 working days for an expert panel to make its final decision, after the comment period has closed.

Many submitters opposed specific time frames proposed in the bill. In particular, submitters expressed apprehension that the proposed timing for setting up an expert panel and for a panel to make its decision would reduce the quality and robustness of panels' decision-making. Submitters, including the Parliamentary Commissioner for the Environment, said that these time frames were too short for panels to properly and reliably scrutinise projects.

The panel convener submitted that the proposed timing of 15 working days to set up an expert panel would not be workable. She said that it could impede the appointment of an appropriate panel. The current average time to convene a panel is 28 working days.

The panel convener also said that the proposed maximum time for an expert panel to make its decision would not be realistic for all applications, particularly for complex ones. She advocated a flexible approach, rather than setting a hard deadline. The current average time for a panel to make its decision is between 50 and 70 working days, following receipt of invited comments. The panel convener told us that she had already heard from current and prospective panel members that they would not be willing to sit on future panels if these proposed time frames were enacted.

The policy intent of the fast-track approvals process is to be efficient and give applicants greater certainty about time frames and costs. We note that the bill allows for some time frames to be extended in certain circumstances or with agreement. For example, the panel convener would still be able to set a longer time frame for an expert panel to make its decision if the applicant agreed in writing to a longer time frame.

Commencement and retrospective changes

Clause 2 provides that the bill would come into force on the day after Royal assent. As introduced, the bill does not contain any transitional provisions. Some submitters, like the New Zealand Law Society, recommended that transitional provisions be included in the bill to make clear how it would affect current applications going through the fast-track approvals process.

Submitters expressed concerns about the potential for retrospective application of the law. Guidance issued by the Legislation Design and Advisory Committee concurs that legislation should generally have prospective, not retrospective, effect and should only affect events that take place after it comes into force.⁸

Suggested changes to consider at committee of the whole House

We asked our ministry advisers to analyse the issues raised by submitters. As part of their departmental report, they noted that the Government proposes to make several amendments to the bill in response to these issues. We understand that these amendments would be introduced through an amendment paper at the committee of the whole House stage. Further detail about these proposed changes is included in the departmental report.⁹

The proposed changes that the Government intends to make to the bill are described below:

- **Enable the Minister to consult anyone they consider appropriate in the development of a GPS**—Clause 5 would insert new section 10A to enable the Minister for Infrastructure to issue a GPS about the regional or national benefits of certain types of infrastructure or development projects. As introduced, clause 5 would require the Minister to consult other relevant Ministers before issuing a GPS. The Government proposes to amend clause 5 to enable the Minister to consult any other person they consider appropriate during the development of a GPS. (*See departmental report pp 21–24.*)
- **Specify that an application cannot be lodged before the pre-lodgement notification period ends**—Clause 6 would amend section 11 of the Act. It would require applicants to notify certain parties before applying to the Minister to request referral to the fast-track approvals process. Notified parties must respond to the applicant within 20 working days after receiving the notice. The Government intends to specify that applicants cannot lodge applications for the Minister’s consideration before the end of the 20-working-day period in which notified parties can respond. (*See departmental report pp 59–72.*)
- **Require the EPA to provide substantive applications to the panel convener within 5 working days of receipt**—Clause 24 would insert new section 45A to state that the EPA may provide a substantive application to the panel convener at any time after

⁸ [Legislation Guidelines | the Legislation Design and Advisory Committee](#)

⁹ [Departmental report](#), pp 21–84 and pp 86–88.

receiving it, before it is required to under the Act. The Government considers that it would be appropriate to instead require the EPA to provide the application to the panel convener within 5 working days. This would enable the panel convener to begin considering the application as soon as possible. (See *departmental report pp 28–30.*)

- **Remove the proposed time frame for panel conveners to appoint an expert panel**—Clause 29 would require the panel convener to set up an expert panel to consider a substantive application within 15 working days of receiving notice. Submitters, including the panel convener, opposed this timing and considered that it might limit the panel convener’s ability to appoint panel members with the necessary expertise. The Government proposes to remove this requirement. This means that there would be no statutory time frame for this step of the process. (See *departmental report pp 33–34.*)
- **Retain the power of the panel convener to request certain reports, rather than enabling expert panels to do so**—Section 51 of the Act enables the panel convener to direct the EPA to obtain relevant advice and reports to assist the panel’s consideration. Clause 32 of the bill would insert new section 52A, changing this so that the panel, not the panel convener, would be able to request certain reports. In response to submitter feedback, the Government considers that the panel convener should retain this function, and intends to remove this provision from the bill. (See *departmental report pp 41–42.*)
- **Clarify the provision that would enable applicants to modify substantive applications**—Clause 42 would insert new sections 68A and 68B which would create a process for applicants to modify a substantive application after lodging it, but before a panel makes its decisions on the relevant approvals. New section 68A would enable the applicant to give written notice to the panel of the proposed modification. The panel would then be able, but not required, to submit the modified proposal to the Minister. Proposed new section 68B sets out a process for the Minister to determine whether the modified project still has significant regional or national benefits and may proceed in its modified form. The Government intends to amend the bill to clarify that applicants cannot make modifications that would expand the scope of the project beyond what was described in its referral application or Schedule 2 of the Act. It will also clarify that the process for the Minister to consider the modified proposal is intended to act only as a backstop, if a panel is uncertain whether the modified project would continue to have regional or national benefits. (See *departmental report pp 42–44.*)
- **Increase the default maximum time for an expert panel to make its decision to 90 working days**—Clause 44 would amend section 79 and introduce a default maximum time frame of 60 working days, after the period to receive comments closes, for an expert panel to make its final decision. The panel convener would still be able to set a longer time frame, if the applicant agreed in writing. The Government considers that this maximum time should be increased to 90 working days. (See *departmental report pp 34–36.*)

- **Increase the maximum time that an applicant may suspend processing of their application to 100 working days**—Section 64 of the Act would enable an applicant to request to suspend the processing of their application. Under section 66(1) of the Act, an expert panel must decide to either return the application or resume processing it after 50 working days. The Government intends to add a new clause to the bill to increase this time frame to 100 working days. (See *departmental report pp 34–36*).
- **Clarify that conditions can only be placed on the approval holder**—Clause 46 would insert new section 84A, which would enable a panel to impose a condition to ensure that the infrastructure in the project area, or that a project will rely on, will be made adequate. The Government intends to clarify that these conditions could only be placed on the approval holder, not on third-party infrastructure providers. (See *departmental report pp 53–56*.)
- **Improve assurances and clarify the scope of the Minister’s ability to direct the EPA**—Clause 48 would insert new section 93A to enable the Minister to give general directions to the EPA in relation to the performance and exercise of its functions, duties, and powers under the Act. To improve certainty that this power could not be used to undermine the EPA’s independence, the Government intends to amend this provision to insert a reference to section 113 of the Crown Entities Act 2004. Section 113 of that Act sets out safeguards for the independence of Crown entities, including specifying limits on what a Minister can direct a Crown entity to do. (See *departmental report pp 26–27*.)
- **Clarify the scope of the proposed regulation-making powers related to cost recovery**—Clause 53 would amend section 108 of the Act, which enables regulations to be made. It would insert the power to make regulations providing for the costs that may be recovered, or excluding certain categories of costs from being recoverable, under section 104 of the Act. The Government intends to expand this regulation-making power to enable regulations to include certain categories of costs as actual and reasonable costs that may be recovered, as well as excluding certain categories. (See *departmental report pp 45–47*.)
- **Clarify that proposed new section 117A(3) would not allow new projects to be added to Schedule 2 of the Act**—Clause 54 would insert new section 117A, which would enable an Order in Council to be made, on the recommendation of the Minister, to amend Schedule 2 of the Act to modify the project description or the described location of a listed project. Proposed new section 117A(3) states that this power cannot be used to insert “new items” into Schedule 2. The intent of this provision is to prevent entirely new projects being added to Schedule 2. The Government intends to clarify this. (See *departmental report pp 49–52*.)
- **Amend the description or described location of certain projects listed in Schedule 2 of the Act**—Some submitters advocated minor amendments to the project description or the described approximate location of certain projects listed in Schedule 2. If the bill passes, these proposed amendments could be made by Order in Council. However, the Government considers it more efficient to make these adjustments directly through this

bill. It intends to replace the word “wharf” with “wharves” in the project description of the Stella Passage Development. This proposed change reflects both issues raised by submitters, as well as the original intent of the project description. Similarly, the Government intends to make minor changes to the project descriptions, described locations, and authorised persons as set out in the written submissions from the New Zealand Transport Agency, Kiwirail Holdings, Tāiko Critical Minerals Limited, and Harmony Energy NZ Limited. (See *departmental report pp 49–52.*)

- **Enable certain other parties to raise issues regarding prospective panel members**—Clause 56 would make several amendments to Schedule 3 of the Act, which relates to the expert panels. Clause 56(2) would insert new clause 3A into the Schedule to enable these applicants and relevant local authorities to raise issues concerning the prospective panel members with the panel convener. In some cases, specific Treaty settlements and other arrangements are relevant to the panel convener’s appointment process (under clause 5 of Schedule 3). The Government is considering this, including that any relevant parties identified under clause 5(2)(b) of Schedule 3 should also have the same ability as applicants and local authorities on this matter. (See *departmental report pp 56–59.*)
- **Require an expert panel to begin work within 5 working days of being appointed**—Schedule 3 of the Act sets out matters related to the appointment and processes of expert panels. The Government proposes to amend Schedule 2 to require that a panel must start its work within 5 working days of all members being appointed. This 5-working-day time frame would be followed by the existing time frame under section 53 of the Act, that panels must direct the EPA to invite written comments on a substantive application within 10 working days after the panel has been set up. (See *departmental report pp 56–59.*)
- **Clarify that the panel convener would not be required to appoint members with sectoral expertise if not practicable**—Clause 56(6) would amend clause 7 of Schedule 3, which relates to the skills and experience that members of an expert panel must have. This proposed change would require that the members of a panel must, collectively, have knowledge, skills, and expertise in the sector to which the application relates. The Government proposes to clarify that the panel convener would not be required to appoint panel members with relevant sectoral expertise if it was not practicable, such as if they are unable to find a suitable member who is available. (See *departmental report pp 56–59.*)
- **Include the Ministry for the Environment and the Ministry for Culture and Heritage in the definition of administering agency in section 103 of the Act**—Section 4 of the Act sets out definitions for how certain terms should be interpreted. Clause 4 would amend section 4 to explicitly exclude the chief executives of the Ministry for the Environment and the Ministry for Culture and Heritage from the definition of “administering agency”. Section 103 of the Act sets out a specific definition of the term “administering agency” for the purposes of subpart 2 and sections 104 to 112 of the Act. The Government proposes to include the Ministry for the Environment and the Ministry

for Culture and Heritage in this definition, so they continue to be considered administering agencies for some parts of the Act. This would enable both ministries to continue to recover costs related to supporting the relevant Ministers to carry out functions under the Act. (*See departmental report pp 59–72.*)

- **Include commencement and transitional provisions**—The Government intends to set specific commencement dates for different provisions in the bill and include transitional provisions. These suggested provisions are set out in Appendix 2 of the departmental report (*See departmental report pp 82–84 and Appendix 2*). Broadly, the Government proposes that:
 - amendments that would not require the EPA to make updates to its systems would come into effect the day after Royal assent
 - amendments that would require the EPA to update its systems would come into effect on 31 March 2026
 - further transitional provisions would be added to avoid adverse effects on applicants, commenters, and expert panels for applications that are currently in train.

Our conclusion

We would like to acknowledge the contributions of all submitters and thank them for their engagement. Our consideration of this bill focused on receiving and considering public submissions. We did not substantively consider proposed changes to the bill and consequently do not make any recommendations for amendments. However, the majority of us consider that the bill could be improved in the ways set out in the changes proposed by the Government, as described above. The majority of us recommend that the House consider these changes further in the committee of the whole House. The majority of us look forward to debating this bill further during future legislative stages. Overall, we recommend by majority that the bill proceed without amendment.

New Zealand Labour Party differing view

Labour supports improvements to supermarket competition. Unfortunately, most of this bill does not relate to supermarket competition. Instead, the focus is on reducing participation and making it even more difficult for a panel to decline an environmentally damaging project.

Labour is disappointed that this bill has been described as “rats and mice” by the Minister when there are major changes that deserve a considered analysis. The Chair’s decision (later supported by the Government majority of this committee) to report back within a time frame of weeks rather than months has resulted in there being no revision-tracked version of the bill accompanying our report back. It has also meant that submitters’ concerns have not been given the adequate attention. It is a terrible way to make law; regardless of policy intent. It is also disappointing that there is no Regulatory Impact Statement.

Government policy statements (clause 5)

The bill introduces a new type of document relevant for decision makers—an undefined “Government policy statement” (GPS). These documents are discretionary and state

regional or national benefits of different types of projects. There is no specified process for the development of a Government policy statement other than a requirement to consult other Ministers and then publish it. There are no criteria. This means that a Government policy statement could effectively pop out of a Minister's head and be immediately relevant to fast-track decision makers.

A GPS is relevant to both a decision to refer and, more significantly, a substantive decision to grant or decline an application. New clause 10A(6) is especially troubling. Decisions are made under section 81 of the Act and section 85 of the Act sets out when a panel can decline an application. Most applications can only be declined if the adverse impacts in relation to the application are "sufficiently significant to be out of proportion to the project's regional or national benefits". We are concerned that a GPS would affect this proportionate test and make it more difficult for a panel to decline an application.

Submitters referred to the new role of the GPS in decision making as "executive overreach" and we agree. We agree with the New Zealand Initiative's characterisation of the GPS as "Opaque Ministerial decisions".

We recommend that the role of a GPS is confined to supermarket competition. A simpler provision would be to amend the decision-making sections of the Act to specifically include supermarket competition as a relevant factor.

Panel discretion to request comment (clause 33(2)) and limits on appeal rights

The Fast-track Approvals Act severely limits the participation of third parties, such as environmental community groups, from the decision-making process as compared with the Resource Management Group. This restriction was well traversed in hearings on that Act. One of the arguments made was that there was discretion for decision making panels to invite comments at section 53(3). Since enactment this discretion has been used, and we heard about this involvement from a range of submitters.

This bill will restrict the discretion to invite comment. Before inviting comment, the panel must first check whether the relevant local authority intend to comment and that any intended comment "will not enable the panel to sufficiently address the matter". We are concerned that this extra step, in conjunction with shortened timeframes, will not work and knock out comment from parties holding relevant information. This is a substantive change and is clearly aimed at reducing participation that was promised during consideration of the Act. Restricting comment, and therefore information, reduces the robustness of a decision. clause 33(2) should be deleted.

The appeal rights of groups asked to comment will be removed by this bill. The bill has no transitional provisions, and Labour is concerned that the limit on the appeal right in clause 50 will apply to groups currently involved in the process. Such a limitation would be retrospective and should not be made.

Time frames

The bill amends many time frames. The reduction we heard most about is the timeframe for a panel to make its decision. A limit of 60 days is in clause 44(1) of the bill and there is a recommendation to extend the timeframe to 90 days. The "panel convener" submitted on this

point and we heard that while most projects are completed within 60 days the more complex applications can take longer. While 90 days is an improvement, the limit is unnecessary.

Another time frame change relates to the time taken to appoint a panel. We heard that there is a limited pool of people with the appropriate qualifications and availability. Limiting the appointment time to 15 working days in clause 9(4) is unnecessary and could result in panels not having a skill set that could have been possible with more flexibility.

The time given to local authorities to respond has also been reduced. Council submitters noted that for complex applications more time is required to ascertain in-house and external expertise. Far North District Council submitted that the timeframes were unworkable for council comment.

The time given to iwi is limited to 20 working days for a referral application (clause 6 amends section 11). We heard that existing timeframes were already too fast for iwi and that any reduction will make consultation a mere procedural formality.

Overall, there was a concern expressed by the Parliamentary Commissioner for the Environment and others that decisions on complex applications would not be robust because there would not be enough time to make and explain decisions. A consequence of decisions that are not robust (indefensible) will be increased grounds for successful judicial reviews. This will only slow down the process overall; the opposite result from the policy intent of the change. Labour opposes the restricted time frames.

Ministerial interference with Environmental Protection Authority (EPA) (clause 48) and regulations for costs (clause 53)

The bill inserts a new section that enables the Minister to “give a general direction to the EPA in relation to the EPA’s performance and exercise of its functions, duties, and powers under this Act”. The EPA’s functions are administrative in nature, and the EPA is not a decision maker. Labour is concerned that this administrative role is not respected and that a Minister could interfere in the decision-making process.

Regulations will be able to be made that set out criteria for the quantification of costs and to exclude certain categories from cost recovery. Labour is concerned that any future regulation does not have a chilling effect on participation by non-payment of expertise that is inconvenient to an applicant.

Applicant interference with decision maker appointment (clause 56(2))

The most bizarre amendment is one that enables an applicant to complain about a prospective panel member. That is, a developer can influence who the decision makers are on their application. This is outrageous.

Transitional provisions and King Henry VIII power (clause 54)

There are no transitional provisions. Labour is concerned that officials’ advice around transitional provisions will limit the rights of groups currently engaged in applications retrospectively.

The King Henry VIII power is to enable the Minister to correct errors describing the listed projects in schedule 2 if they are not “substantially different”. This change to schedule 2 would be made by an Order in Council.

Labour opposes retrospective transitional provisions and use of the King Henry VIII clause.

Fixing Schedule 2 that did not receive select committee scrutiny

Schedule 2 of the Act includes 149 “listed” projects. It was included at the committee stage meaning that there was no select committee scrutiny of the projects or their descriptions. It turns out that some of the descriptions would have benefited from some more scrutiny, including from the applicants. It is unfortunate that the lesson of speed and absence of scrutiny has not been learnt. The advisors promote some amendments to Schedule 2 that were requested in submissions. Labour’s preference is that all changes made to this bill revert to the select committee for proper consideration rather than more changes made in haste that will likely have to be fixed, again, in the future. It is a waste of everyone’s time and resource.

Relationship with infrastructure

Many submissions noted that the sequencing of provision of infrastructure and housing development is not sequenced. This is because a Fast-track application can override councils’ plans and demonstrates one of the many problems with the Act. Councils submitted against being required to provide infrastructure.

Queenstown Lakes District Council (QLDC) submitted that there are a disproportionate number of listed fast-track projects in its area. QLDC is concerned that clause 46 enabling conditions to be set relating to infrastructure is unclear regarding unplanned upgrades. There was also a request for a 5 percent contribution from fast-track developers for affordable homes because housing is exceptionally expensive in Queenstown and there is a precedent for this approach that was used in the Housing Accords and Special Housing Areas Act. Unfortunately, the chosen speed of this process means that this request has not been able to be examined.

Green Party of Aotearoa New Zealand differing view

The Fast-track Approvals Act was already an unprecedented and unacceptable overreach on communities’ democratic participation, the Crown’s Te Tiriti responsibilities, environmental laws and protections, climate change obligations, and principles of transparency and accountability that all New Zealanders expect and deserve from any Government.

This new bill, opposed by 95 percent of submitters, will only make this harmful legislation worse, and is disingenuously framed by Government as simply addressing supermarket competition and minor and technical amendments to the fast-track process.

We consider these proposed amendments make the Fast-track Approvals Act even more illegitimate, which far from the Government’s stated objective of making the process faster, will likely open it up to increased appeals and judicial review, and risk the reputation and integrity of independent panel member appointments.

It should be noted that many of the controversial amendments, such as giving applicants the right to publicly reject an expert panel appointment and the ability for Ministers to write Government policy statements that apply retrospectively to projects already in train, were primarily only supported by current and past applicants of the fast-track process. Many welcomed the removal of inappropriate ministerial decision-making in the Fast-track Approvals Act. This amendment bill now reinstates a mechanism that is far too open to potential corruption and conflicts of interest.

The rushed select committee process in order to grant approvals to projects that would have no credible grounds for approval without the ability that fast track grants them, is a discredit to parliamentary process and the role of select committees.

We consider these changes further strengthen our position that review and potential revocation of consents granted under this makeshift regime is justified. Any Government that pushes through a bill that departs so significantly and irresponsibly from long-held legal safeguards and demarcation of political influence versus independent decision making under such urgency needs to be challenged. This bill bypasses fair and reasonable natural justice principles, consultation requirements, environmental protections, and Te Tiriti obligations. The Green Party opposes this bill in the strongest terms.

Te Pāti Māori differing view

Te Pāti Māori opposes the Fast-track Approvals Amendment Bill in its entirety. This bill breaches Te Tiriti o Waitangi, concentrates unprecedented power in the hands of Ministers, sidelines Māori from decisions that affect our whenua and moana, and reopens the door to destructive extractive industries already rejected by the courts and by iwi. It is a direct threat to mana motuhake, oranga whenua, and the wellbeing of future generations.

Erosion of Te Tiriti o Waitangi

This bill replaces Te Tiriti partnership with ministerial discretion. Ministers can approve or decline projects without acting in partnership with Māori, without recognising hapū authority, and without upholding Treaty principles. This is a regression from decades of legal precedent, including under the MACA Act, the EEZ Act, the RMA, and the 2021 Supreme Court TTRL decision.

Rather than honouring rangatiratanga, the bill reduces Māori to optional consultees and removes meaningful checks on Crown power. Māori submitters consistently warned that this framework extinguishes genuine partnership and embeds Crown dominance over local communities.

Loss of Māori voice and Partnership

The bill restricts who can submit, limits hearing rights, compresses timeframes, and reduces opportunities for appeal. This disproportionately harms hapū and whānau who are directly affected but excluded from decision-making.

Where iwi and hapū once had the ability to exercise kaitiakitanga and influence outcomes, this bill silences them. The process privileges corporate applicants while weakening the ability of communities to protect their taiao, whenua, and cultural heritage.

As the Māori Ward Council noted, “Manawatū has ten hapū who remain unsettled and therefore lack the legal protections that accompany Treaty settlements”. This bill leaves these groups exposed to decisions made without their consent or involvement.

Wāhi Tapu and Urupā

One of the most alarming changes in this bill is that it allows Ministers to authorise the destruction or modification of wāhi tapu, urupā, pā sites, and wāhi tūpuna—even where developers already know these are burial grounds or culturally significant places.

This is a profound breach of tikanga, Te Tiriti, and the integrity of Treaty settlements. Protection of ancestral sites becomes dependent on ministerial goodwill rather than statutory safeguards. This is unacceptable and regressive.

Harm to the environment and the return of seabed mining

The bill treats environmental protections as obstacles to development. It weakens safeguards on freshwater, biodiversity, coastal ecosystems, and marine environments, and accelerates risks of irreversible damage.

Most significantly, the bill collapses the legal barriers that previously blocked seabed mining. TTRL’s South Taranaki Bight proposal was rejected multiple times because of devastating effects on the moana and failure to meet environmental standards. The Supreme Court unanimously upheld iwi concerns, confirming that tikanga, cumulative effects, and the precautionary principle are central to lawful decision-making.

This bill bypasses the EPA, the courts, and Māori. It reopens the door to seabed mining and drilling across Taranaki and Te Tai Hauāuru, threatening taonga species, fisheries, and cultural landscapes, and undermining Māori customary rights and MACA interests.

Compressed timeframes and democratic integrity

The fast-track system is designed to limit public oversight. Notification replaces consultation. Hapū and iwi have minimal time to review applications across wide rohe, making meaningful participation impossible.

The select committee process itself was rushed under urgency. Submitters had days to prepare, and the committee was directed to report back within weeks. This denied communities the chance to be properly heard and undermined confidence in the parliamentary process.

Rushing legislation of this scale is reckless, undemocratic, and inconsistent with Tiriti partnership.

Mana mokopuna

Our mokopuna will inherit the consequences of decisions made in haste and without Māori. Fast-tracking mining and drilling accelerates climate impacts and environmental degradation. Without Māori exercising true kaitiakitanga, the wellbeing of future generations is compromised.

A bill that ignores rangatiratanga cannot protect the world our mokopuna will live in.

Conclusion

Te Pāti Māori rejects this bill. It is a constitutional overreach that concentrates power in Ministers, removes Māori from decision-making, dismantles Tiriti protections, and sacrifices the integrity of our whenua and moana for short-term corporate gain.

We stand firmly with iwi, hapū, whānau, communities, and the natural world in opposing this bill. It undermines everything Aotearoa claims to value about partnership, accountability, and intergenerational responsibility.

Appendix

Committee procedure

The Fast-track Approvals Amendment Bill was referred to the committee on 6 November 2025. The House instructed us to report the bill back no later than 6 May 2026. We opened for written submissions on the bill between 7 November and 17 November 2025. We considered submissions from 2,518 interested groups and individuals. We heard oral evidence from 85 submitters.

We received advice on the bill from the Ministry for the Environment, the Ministry of Business, Innovation and Employment, and the Department of Conservation. The Parliamentary Counsel Office was available to assist with legal drafting. The Regulations Review Committee reported to the committee on the powers contained in clause 54.

Committee members

Catherine Wedd (Chairperson)
Hon Rachel Brooking
Simon Court (until 19 November 2025)
Hon Marama Davidson
Ryan Hamilton
Cameron Luxton (from 19 November 2025)
Grant McCallum
Katie Nimon
Lan Pham
Hon Priyanca Radhakrishnan

Steve Abel, Kahurangi Carter, Mike Davidson, Dana Kirkpatrick, Hon Melissa Lee, Debbie Ngarewa-Packer, Hon Dr Deborah Russell, and Celia Wade-Brown also participated in our consideration of this bill.

Related resources

The documents that we received as advice and evidence are available on [the Parliament website](#), along with the recordings of our hearings:

- 20 November ([video 1](#), [video 2](#))
- 24 November ([video 1](#), [video 2](#))
- 25 November ([video 1](#), [video 2](#)).