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Tēnā koe,

Fast-track Approvals Amendment Bill - Greater Wellington Regional Council Submission

Introduction

Greater Wellington Regional Council (Greater Wellington) makes the following submission to the Environment Select Committee on the Fast-track Approvals Amendment Bill. As a regional council, Greater Wellington is responsible for a number of statutory functions that are of direct relevance to this Bill. These include consenting, compliance monitoring, and enforcement functions under the Resource Management Act (RMA). We also have a role in developing regional land use and transport strategies and policies, and providing regional infrastructure and services such as flood protection and public transport. As such, we have significant concerns regarding the Bill's intention, drafting and implementation.

We would welcome the opportunity to work with Government to resolve these. We have been implementing the current Fast-track Approvals Act in addition to working with fast-track processes previously and this has informed our submission.

Significant areas of concern

The Fast-track Approvals Amendment Bill proposes significant procedural and structural changes to environmental decision-making in Aotearoa New Zealand. While framed as a measure to improve efficiency and stimulate development, the Bill introduces substantial

risks for regional governance, Te Tiriti partnership obligations, and environmental integrity. While we support the need for having a fast and effective pathway for consenting some significant projects, these changes represent significant Government overreach into control local decision-making.

The procedural changes proposed by the Bill risk an increase of poor-quality applications with unresolved issues making their way into the fast-track system. Coupled with a reduction in the ability for local authorities and mana whenua to participate, and reduced timeframes for decision making, there is a risk of approvals being granted that do not address key issues, are not implementable, in addition to an increased risk of some projects being simply declined. This undermines the Government's intent for a fast-track system that produces robust, timely, and durable decisions that support regional growth and development.

Mana Whenua Partnership and Māori Rights

Greater Wellington partners with Taranaki Whānui, Ngāti Toa Rangatira, Ngā Hapū o Ōtaki, Te Ātiawa ki Whakarongotai, Rangitāne o Wairarapa and Ngāti Kahungunu ki Wairarapa – with whom Greater Wellington works in partnership to restore and protect te taiao through shared governance and strategic partnership agreements. These relations are underscored by a statutory resource management committee – Te Upoko Taiao – which is backed by the Ngāti Kahungunu Treaty settlement.

The proposed amendments are inconsistent with our established partnership arrangements, namely:

- The Bill further reduces opportunities for mana whenua to participate meaningfully in decision-making by narrowing consultation, limiting appeal rights, and centralising powers with Ministers
- This approach is inconsistent with Te Tiriti o Waitangi and undermines co-governance arrangements established through Treaty settlements in the Wellington region
- They diminish the ability of iwi and hapū to exercise kaitiakitanga and influence decisions that directly affect taonga such as Te Awa Kairangi, Te Whanganui-a-Tara, Te Awarua o Porirua, Wairarapa Moana and the Kāpiti Coast wetlands.

The proposed amendments undermine Te Tiriti o Waitangi and weakens the intent of regional co-governance frameworks such as the Wairarapa Moana Statutory Board and Porirua Harbour Accord.

Greater Wellington advocates for statutory amendments which will endure, and which are respectful of the Treaty commitments which the Crown itself has secured with Iwi in the Wellington region through Treaty settlements.

Proposed changes to process may lead to more costs falling on ratepayers and applicants

The erosion of community and NGO participation rights, coupled with constrained appeal provisions, reduces transparency and democratic oversight. Provisions enabling Ministers to direct the EPA or amend legislation by Order in Council raise constitutional and governance concerns, as they compromise the independence of technical and statutory processes. Poorly planned or designed projects can lead to the implementation and monitoring of conditions being impractical or challenging, resulting in costs falling on ratepayers.

The proposed amendments will result in increased risk and uncertainty for regionally significant infrastructure projects. Complex and significant projects, including projects such as Transmission Gully, Riverlink, and the Roads of National Significance programme would prove challenging to consent under the proposed amendments, as limited pre-application engagement risks applications being lodged that contain significant unresolved issues, and restricted decision-making timeframes risks approvals being declined or extensive conditions being imposed to manage uncertainty. The costs associated with this will fall on applicants and ratepayers.

The proposed changes to regional councils' ability to recover costs means that the cost of providing input into the process falls on ratepayers. This works against efforts to reduce the rates burden on our communities and is counter to stated Government goals regarding local government affordability.

It is very unclear under the amendments where costs will fall when panels direct the completion of infrastructure as part of conditions for a project. Infrastructure projects affected by these proposed amendments include three waters, flood protection assets, public transport assets, roading and utilities. Broadly speaking this is infrastructure provided by public organisations (local government and central government). The programming of infrastructure delivery usually occurs through processes such as annual plans, long terms plans and annual budgets, to ensure that there is funding allocated to complete works in sequence. Out-of-sequence infrastructure development will be costly and result in some areas with more urgent need being 'leap frogged'. The justification for the change needs to be made very clear, together with an explicit analysis of who will cover the cost of out-of-sequence infrastructure development necessitated by such decision-making – i.e., will these costs be limited to the applicant, or fall on councils?

Loss of Regional Context and Accountability

The shift of discretion to Ministers, particularly in defining regional and national benefit, diminishes the regional and local context in decision-making. Shortened timeframes and restricted opportunities to comment on applications will limit Greater Wellington's ability to provide robust, evidence-based input. This poses a risk to the quality and integrity of

environmental assessments, particularly where mātauranga Māori and local knowledge are essential. The changes weaken council accountability to local communities and mana whenua for environmental outcomes within the region. The approach simply does not translate as being robust and could well undermine the integrity of the overall system.

In the Wellington context, projects relating to coastal infrastructure, flood protection, and transport require locally grounded assessments with mana whenua input to reflect cultural, environmental, and social benefits – not just economic benefits. The proposed Ministerial powers to define 'regional and national benefits' through a Government Policy Statement (GPS) risk centralising decision-making and sidelining regional community and mana whenua perspectives and aspirations.

Environmental, Cultural and Kaitiakitanga Implications

The proposed accelerated timeframes (15 working days for comment on referral applications and 60 days for decisions on substantive applications) will make it extremely difficult for councils and mana whenua to conduct robust assessments of environmental and cultural effects.

Allowing modifications to projects after referral without comprehensive reassessment may lead to unanticipated and unmitigated environmental, social and economic effects. Time-constrained processes undermine the ability of mana whenua to exercise kaitiakitanga, undertake cultural impact assessments and protect the mauri of ecosystems. This works against our regional focus on nature-based solutions, climate resilience, and integrated catchment management.

Inconsistent with Regulatory Standards Act

The process for developing and enacting this Bill is inconsistent with the Government's principles of responsible regulation under the Regulatory Standards Act. In particular, in relation to good law making:

- There has not been sufficient time to ***consult*** on these significant changes
- Government has not clearly articulated what the ***public interest*** is in relation to this issue
- Government has not clearly articulated whether the amendments are a ***proportionate response*** to any identified issues, which has been focused on competition in the grocery sector.

We note that the Amendment Bill proposes the introduction of additional secondary, legislation (the GPS and regulations to limit cost recovery). We submit there is no need for additional regulation for an Act that has a very narrow purpose.

If the problem is lack of competition in the grocery sector, as is stated, then the amendments should be restricted to this sector only.

Summary

Greater Wellington submits that, the Fast-track Approvals Amendment Bill:

- Will not meet the Government's objectives and may result in more fast-track projects being declined due to poor quality of applications as a result of significantly constrained timeframes
- Reduces regional and democratic accountability, shifting decision-making to central government, with costs likely to fall on councils and ratepayers in a financially constrained environment
- Compromises Te Tiriti partnership obligations and the ability of mana whenua to participate in decision making
- Risks poor environmental, social and economic outcomes due to limited scrutiny, compressed timeframes, and weakened local participation.

Please find below clause-by-clause comments which also forms part of our submission.

Greater Wellington Regional Council once again thanks the Environment Select Committee for the opportunity to provide feedback on the Fast-track Approvals Amendment Bill. We would like to speak to our submission.

Nāku, nā

Adrienne Staples

Deputy Chair, Greater Wellington Regional Council

Greater Wellington
Te Pane Matua Taiao

Clause-by-clause Submission – Fast-track Approvals Amendment Bill 2025

Clause(s)	Summary of proposed amendment	Impact of amendment	Relief sought
5	**Government Policy Statements** Ministers can issue Government policy statements to state the Government's policies about the benefits of certain types of infrastructure or development projects. Decision-makers must consider government policy statements when deciding on referral or substantive applications.	• Government Policy Statements may increase certainty for certain types of development in the short term. However, the absence of procedure and lack of transparency in the process for creating Government Policy Statements could undermine the certainty that they seek to create, as they are less likely to have long-term durability. • There is no ability for local authorities, mana whenua, or communities to inform the development of Government Policy Statements through consultation, despite the impact that these statements may have on the public and mana whenua. • Potential to undermine regional spatial planning and other regional development priorities, where certain types of infrastructure or development that are the subject of a Government Policy Statement are contrary to a future regional spatial plan (for example, development in areas identified in a regional spatial plan as being subject to natural hazard risk).	Either: Amend the process for preparing Government Policy Statements so that it is similar to the process for preparing National Policy Statements under section 46A of the RMA. Critically, this should provide for consultation with the public and mana whenua as part of preparing a Government Policy Statement Or Remove the need for a GPS in its entirely.

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Clause(s)	Summary of proposed amendment	Impact of amendment	Relief sought
		• Potential to undermine mana whenua priorities expressed through iwi management plans, iwi strategic documents, and locally agreed partnership frameworks or Treaty settlements.	
6	**Removing pre-application consultation and replacing with "notification"** The requirement for an applicant to consult with local authorities before lodging a referral or substantive application for a listed project is replaced with a requirement that applicants "notify" the local authority. A new limitation is added that local authorities may only provide a response to the notice within 20 working days. There are no requirements for the information that an	• Likely to lead to a reduction in applicants working with local authorities and mana whenua to identify and resolve issues in advance of lodging an application. • Removes a Te Tiriti-based avenue for engagement with mana whenua by turning a process of engagement into a one-way process of notification. • Provision of a "notice" by the applicant, without any information about the application, is meaningless and does not enable the provision of any substantial or useful feedback within 20 working days. • Likely to lead to an increase in poor quality or incomplete applications entering the fast-track system, with corresponding adverse impacts on the efficiency of the fast-track system. • Likely to reduce the efficiency of the fast-track process overall, by deferring issues that could otherwise have been resolved through pre-application consultation to the formal approvals process.	Delete clause 6. Alternatively, if clause 6 proceeds, amend clause 6 to require that the notice provided by the applicant include a copy of the draft application that the applicant intends to lodge.

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	applicant needs to include in their notice. These changes will also impact Greater Wellington's mana whenua partners.		
9(2), 14, 18(3), 33(2)	**Limiting the scope of local authority comments** Comments provided by local authorities on referral, land exchange, or substantive applications are limited to the matters that must be considered by decision-makers.	• The provision introduces procedural uncertainty without clear practical benefit. Decision-makers are already constrained to specified considerations, regardless of comments made by local authorities or mana whenua. • Uncertain how such a requirement would be enforced, or by whom. • Uncertain whether this would require comments from a local authority to disregarded in their entirety where they contain matters that are beyond the limits proposed by the clauses. • Limits ability for local authorities to integrate mana whenua concerns into local authority comments.	Delete clauses 9(2), 14, 18(3), and 33(2).
9(4)	**Reduced timeframe to comment on referral applications** The time for local authorities to comment on referral applications is	• Reduced timeframes are likely to mean that local authorities can only provide high-level comments on a referral application.	Maintain timeframe at 20 working days.

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	reduced from 20 working days to 15 working days.		
12(2)	**Providing specific consideration for supermarkets** Promoting competition in the grocery industry is recognised as a matter that decision-makers may consider.	• Regional councils generally do not directly regulate supermarkets. • The focus of the explanatory note in the Bill is on providing for competition in the grocery sector, however the significant majority of changes proposed by the Bill relate to other substantive and procedural matters. The absence of explanation about most of the changes proposed by the Bill has not assisted local authorities or mana whenua with understanding the potential impacts of the proposed changes within the short timeframe available.	Apply amendments to only considerations around supermarkets and grocery sector competition.
15(3)	**Time limits for regional councils to provide section 30(3) notices** The existing legislation requires regional councils to provide notice to applicants as to whether there are any existing resource consents to which section 124C(1)(c) or 165ZI of the RMA applies in relation to a substantive application.	• A time limit for responding to section 30(2) notices promotes efficiency, but councils can only assess whether there is an existing resource consent to which section 124C(1)(c) or 165ZI of the RMA applies if applicants tell the council what consents they are seeking through their substantive application. • For the time limit to work in practice, there needs to be a requirement that applicants specify, in their notice to the council, the specific resource consents that they will be seeking in their substantive application.	If a time limit is to be imposed on regional councils under section 30(3), then amend section 30(2) to require the applicant's notice to specify the resource consents that they will be seeking in their substantive application.

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	Amendments to the legislation would require regional councils to provide the notice within 10 working days of receiving notice from the applicant.		
19	**Allowing staging for listed projects** Subject to a determination by the Minister, listed projects will be able to stage their projects and submit separate substantive applications for each stage.	• This could improve certainty for infrastructure or development projects with long (over 10-year) timeframes. Enables applicants to stage consents to avoid long-duration construction-phase consents. • Risk that staged developments are only partially completed, and their full benefits are never realised.	Support, but subject to requirements that applicants demonstrate that they will implement all stages in a staged project.
25(1)	**Enabling the EPA to request additional information from applicants as part of the completeness check** The EPA would be able to request additional information from applicants, where it is identified during the	• Efficient process for addressing minor information gaps, or information omitted in error. • Risk that applicants will lodge incomplete applications knowing that the EPA can request further information, which increases the burden on the EPA and local authorities identify and fill information gaps.	Support the proposed amendment, subject to it being limited to addressing minor information gaps or correcting minor errors in an application.

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	completeness and scope check that there is missing information in the substantive application.		
42	**Substantive applications may be modified by the applicant after they have been lodged** Applicants can request to a Panel that their substantive application is modified during the processing of the application. The modification needs to be approved by the Minister and can only proceed if the project would still have significant regional or national benefits. Processing timeframes are paused between when the applicant requests a modification, and the Minister notifies	• Introduces significant uncertainty into the process, as the scope for modification is not limited. Projects could be modified in scope well beyond the activities proposed by the original application, potentially introducing new areas of technical expertise or additional affected parties. • Introduces significant natural justice issues. If the modification is made after parties have commented on the application under section 53, there is no ability for local authorities, mana whenua or other parties to consider or comment on any modification to the substantive application. • Risks poor decision-making outcomes where local authorities and mana whenua are excluded from being able to consider or comment on material modifications that may have significant impacts. • There is no extension of processing time to allow for any changes associated with the modification to be considered. • The ability to modify an application could support good decision-making where the modification addresses comments raised by parties under	Amend clause 42 to incorporate the following requirements: • Any modifications proposed by an applicant and determined by the Minister must be limited to matters raised in comments to the Panel under section 53 • If the Minister determines that a modification can proceed, then the modification is subject to parties being invited to comment under section 53 • If the Minister determines that a modification can proceed, the Panel's timeframe for notifying their decision is reset.

Clause(s)	Summary of proposed amendment	Impact of amendment	Relief sought
	their determination on the modification.	section 53, those parties can comment on the modification, and the Panel has sufficient time to consider the modification.	
44(1)	**Decision-making timeframe for substantive applications capped at 60 working days** The timeframe for a Panel to decide on a substantive application is capped at 60 working days, unless the applicant agrees to a longer timeframe.	• 60 working days is unlikely to be sufficient time to consider and resolve key issues associated with complex applications. • Short timeframes increase the risk of complex approvals being granted that do not adequately manage environmental effects or impacts on mana whenua. • Poorly considered applications subject to short timeframes increases the risk that approvals may not be able to be fully implemented without seeking subsequent approvals. • Increases the risk that approvals will be declined on the basis that key issues with an application cannot be resolved within 60 working days. • Short timeframes for complex projects increase the risk of legal or procedural errors, leading to increased likelihood of appeals and judicial review.	Delete clause 44(1) and allow the Panel Convener to set a decision-making timeframe that is appropriate for the scale and complexity of the proposal and the significance of the environmental effects and impacts on mana whenua.
46	**Ability to impose conditions requiring infrastructure to be provided** Panels will be able to impose conditions that	• Risk that conditions may be imposed that require regional councils to provide infrastructure (for example, flood protection or public transport) to support a project, even where this is not planned or funded.	Delete proposed section 84A.

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	require infrastructure to be "made adequate" to support the project.	• Risks imposing significant unplanned costs on ratepayers. • Alternatively, or additionally, could result in funding being diverted from planned development to support unplanned fast-track development. • Unclear how, or by whom, any such requirement could be enforced.	
51, 54	**Regulations can be made to limit or exclude cost recovery** The Governor-General may make regulations to set upper limits on cost recovery, set out how costs are to be quantified, and exclude certain categories of cost from being recoverable.	• Arbitrary limits imposed on local authority cost recovery could result in local authorities ceasing to participate in the approvals process where a cost recovery limit is met. This increases the risk of approvals being declined where issues are unable to be resolved within a cost-recovery limit, or approvals being granted with outstanding issues that are not adequately addressed through conditions. • Alternatively, the costs for local authority participation where a limit has been met would fall on ratepayers. This would result in ratepayers subsidising applicants to use the process. • Mana whenua are often resource-constrained, if cost recovery for mana whenua is limited or excluded, mana whenua may not have the means to participate, even if invited to.	Delete clauses 51 and 54.
55(2)	**Title of Schedule 2** The title of Schedule 2 is changed to "Listed	• Whether or not a project listed in Schedule 2 will result in a significant regional or national benefit will depend on the detail about the project contained in	Delete clause 55(2).

Clause(s)	Summary of proposed amendment	Impact of amendment	Relief sought
	projects with significant regional or national".	the substantive application. This includes detail about the scale of the project, consistency with regional growth and development planning, the feasibility of the project, and how it will be implemented. • Changing the title of the schedule risks creating a presumption that the project will have significant regional or national benefits, regardless of how the project is implemented and without any robust economic evidence of the costs or benefits associated with the project. • This removes flexibility for Panel's to make a judgement on whether a project will actually deliver regional or national benefits based on evidence presented.	
56(2)	**Applicant and local authority can raise concerns about a prospective panel member** A formal process is established for applicants or local authorities to raise concerns with the panel convener about any person proposed to be	• The ability for applicants to raise concerns about panel members may undermine the perception that the panel selection process is a decision made independently of the applicant.	Delete clause 56(2).

Clause(s)	Summary of proposed amendment	Impact of amendment	Relief sought
	nominated to an Expert Panel. A response from the person, along with advice from the Secretary for the Environment, must be considered by the panel convener before they appoint the member to the Panel.		
58	**Amendments to land exchange information and decision-making** The following amendments are proposed to the land exchange information and decision-making process: • A requirement for applicants to explain how the exchange would benefit the conservation estate • A requirement for applicants to disclose matters registered on a land	• Provides for clearer consideration of matters that may be relevant to land exchanges.	General support for the proposed amendments.

Clause(s)	Summary of proposed amendment	Impact of amendment	Relief sought
	title that may impact on conservation values, and for this to be considered through decision-making • Consideration of whether improvements and financial contributions enhance conservation values of conservation areas and Crown-owned reserves as a whole).		