



Submission on the Fast-track Approvals Amendment Bill

by Civic Trust Auckland

1. Introduction

(a) Civic Trust Auckland (CTA) is a non-profit public interest group formed in 1968 with activities and interests throughout the Auckland region. It is a regular submitter on matters of interest to it, both to Auckland Council and to central government. We submitted on the Fast-track Approvals Bill and spoke to our submission at the select committee hearing on 27 May 2024.

(b) CTA strongly opposes the Fast-track Approvals Amendment Bill (the Bill) for the following reasons:

- (i) Proper process would not be followed;
- (ii) It would further weaken environmental protections;
- (iii) It would reduce public submissions on project applications; and
- (iv) It would reduce input by experts about projects.

(c) We were confused about reference to supermarket competition in regard to this Bill. The Bill is about improved efficiency for the fast-track process, addressed in the Fast-track Approvals Act.

2. Government Policy Statements

(a) CTA considers that Ministers' ability to issue a Government Policy Statement (GPS) (as per new Section 10(a)) would enable them to exercise too much influence on outcomes. Panels would have to consider the GPS when deciding whether to approve projects and that could remove the ability for the expert panel to independently assess the project's benefits.

(b) A GPS could define what constitutes "regional or national benefit." In our view, it should be the panel's role to decide whether a project has significant regional or national benefits in terms of the criteria provided for in Section 22 of the FTAA. As stated in our earlier submission on the FTAA at 2(f), "The criteria for a project or development to have national or regional significance are undefined, and there also appears to be no legal definition of the terms 'significant' or 'benefit,'" we consider it inappropriate for that judgment call not to be visible to a panel of experts.

(c) A GPS could greatly constrain the economic assessment required by an application. For example, it could remove the need for an application to undertake a

cost benefit analysis and entail no consideration of environmental, social, cultural or other costs.

(d) There are no parameters around what a GPS can say and how it is prepared, other than a requirement to consult with relevant portfolio Ministers. The development of a GPS does not currently require public consultation – always an important component to decision-making, in CTA's view.

(e) A GPS would enable significant discretion by the Minister to determine what projects are eligible to proceed to panels, and to influence the outcome of those panel decisions. This is not proper process and is inconsistent with transparent, participative governance, and is likely to undermine the public's trust in government.

3. Comments sought by panel

(a) Under Section 53 of the FTAA, a panel can invite comment from any person or organisation it deems to be "appropriate," enabling the panel to seek additional evidence. Clause 33(2) of the Bill proposes to only allow a panel to invite such comments where a local authority or administering agency does not "intend" to cover a particular matter, or if their intended comments would not "sufficiently" address the matter. This would mean that NGOs and community groups would be excluded from the fast-track process, unable to present information to panels. Local authorities do not know everything, and relevant knowledge about certain matters which NGOs and community groups can not be available to the panel other than through consultation.

(b) Neighbours not adjacent to the boundary of a project may be excluded from the decision-making process, even if a project could have significant impacts on them or their property values.

(c) CTA therefore submits that clause 33(2) should be deleted.

(d) Further, we are of the view that the Bill needs to confirm the responsibility of councils in providing comments on particular types of applications, and we consider that such comments when used in the context of an FTA application, should use and reference supporting expert evidence.

4. Modification of applications

(a) Clause 42 of the Bill proposes to give the Minister the power to approve a "modification" to a substantive application after it has been lodged, if requested by a panel. This means that a project could be significantly altered or expanded in scope after it has been referred or after it has been listed in Schedule 2 of the FTAA, thus already inside the fast-track system and with reduced scrutiny. To approve a modification, the Minister need only be satisfied that a project "still has significant national or regional benefits."

(b) Clause 42 should be amended so that modifications cannot be approved if they substantially expand the scope of a proposal. This would still allow modifications to be made where appropriate, for example, to allow an applicant to change a proposal to address concerns raised by a panel about environmental, social, or cultural impacts, and thus to avoid, remedy or mitigate adverse effects.

5. Reduced timeframes

(a) Reduced timeframes affect the quality of decision-making. Under clause 9, the time for comments on a referral application would be reduced to 15 working days, insufficient time for useful comment on major projects from entities such as the Department of Conservation, from which comment must be sought.

(b) Under clause 44, the maximum time for panels to reach a final decision on an application would be 60 working days. CTA opposes this reduced timeframe as being too short for good decision-making, proper environmental assessment, and due diligence, particularly with regard to complex and large projects, and it disallows rigorous assessment and community input. Cumulative effects, intergenerational impacts, and long-term problems for communities and the country as a whole need to be fully considered, especially if they are irreversible.

6. General direction to the EPA

(a) Ministers should not be able to direct the Environmental Protection Authority, as per the proposed new Section 93A, in regard to the EPA's performance and exercise of its functions, duties, and powers under the FTAA, as this could reduce consideration of environmental protections.

(b) CTA submits that clause 48 should be deleted in order to retain the independence of the EPA.

7. Right of appeal

We submit that clause 50 should be deleted because it proposes to prevent appeals on points of law from anyone invited to provide comment unless they are a person from which the panel/Minister "must" invite comment. This clause would exclude independent environmental watchdogs, like NGOs, from the process, which usually have substantial relevant and useful knowledge.

8. Applicants' influence on panel membership

(a) We submit that clause 56(2) of the Bill should be amended because, in our view, applicants should not be able to comment on the perceived partiality of panel members. This would enable developers to have influence over who would be judging their project. Decisions about the environment must be made by independent experts, and applicants should have no influence over panel appointments, nor should the panel convener be required to consider their objections.

(b) We submit that this clause should be redrafted to address only matters around conflicts of interest.

9. Treaty obligations

Under the FTAA, Section 7 requires decision makers to consider treaty settlements and recognise customary rights. The replacement in the Bill of pre-application consultation with a simple notification process significantly reduces engagement with Māori. Decisions affecting land, water, and taonga must involve those most affected. The Bill should include an explicit treaty-obligation clause.

10. Recommendations

Civic Trust Auckland wishes to make the following recommendations:

That the government rejects this Bill, or amends the Bill as follows:

Include in the Bill:

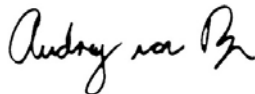
- recognition of climate change;
- consideration of the Treaty of Waitangi, with engagement with iwi/hapū early, meaningfully, and as partners;
- use of the precautionary approach or broader ecosystem considerations to prevent environmental damage which cannot be undone; and
- consideration of New Zealand's international obligations.

Further, that the Bill:

- removes or limits a Minister's power to issue "general directions" to the EPA;
- requires that any project going through the fast-track process still must meet baseline environmental protections as currently provided for in the primary act;
- includes review clauses so that if harmful effects are revealed, a project must be reviewed and the government must be enabled to cancel permits;
- prohibits revival of previously disallowed projects unless there is a full new assessment including consideration of environmental, social, and cultural matters;
- ensures transparency by requiring full disclosure of referral application information, project description, amendments to schedule definitions, financial interests and conflicts of interest of decision-makers and applicants.

Date of submission: 17 November, 2025

Signature:



Audrey van Ryn
Secretary, Civic Trust Auckland