

17 November 2025

Chairperson
Environment Committee
Parliament Buildings, Wellington



submitted via the online submission form¹

Federated Mountain Clubs of New Zealand Inc.

Submission on the Fast-track Approvals Amendment Bill

Tēnā koe

1. Thank you for the opportunity to submit on the Fast-track Approvals Amendment Bill (*Bill*).
2. We wish to be heard in support of our submission.
3. Federated Mountain Clubs of New Zealand Inc. (*FMC*) was founded in 1931 to, amongst other things, promote outdoor recreation in our outdoors and to preserve our backcountry for non-commercial outdoor recreation. We continue to advocate for New Zealand's backcountry and outdoor recreation on behalf of over 22,000 members comprising 118 clubs, organisations and schools, and over 1,000 individual supporters. We also speak for the large number of other New Zealanders who also enjoy outdoor recreation seeking beauty, spiritual enjoyment, challenges and friendship.
4. FMC opposes the Fast-track Approvals Amendment Bill and we call for the Bill to be withdrawn.

Summary of our key points

5. The key points of our submission are:
 - a. The Bill appears to have been drafted with the express intent of reducing public participation in the Fast-track Approval Acts (*FTAA*) process, and to allow Ministers to select their preferred projects. It will further erode the democratic process and undermine public faith in the FTAA.
 - b. The Bill will reduce the quality of information available to Panels and hinder the ability of Panels to make decisions based on fair, adequate and accurate information.
 - c. The changes proposed are more likely to increase timeframes, rather than decrease them. There is an increased risk of litigation if these changes are implemented.

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https://www3.parliament.nz/en/ECommitteeSubmission/54SCENV_SCF_B59B6261-1DB3-47A5-7DC9-08DE1A89278C/CreationSubmission on 17/11/2025 before 2pm

- d. The Bill will further undermine environmental protections.
 - e. The Bill will provide an inappropriate level of Ministerial influence.
 - f. The Bill will provide an inappropriate level of Applicant influence into the process.
 - g. The FTAA is less than 12 months old. The 62 clauses in the Bill are an admission that the original legislation was rushed and not clearly thought through.
6. We also highlight our original concerns with the FTAA as summarised below:
- a. In our original submission on the FTAA, FMC warned at the time that the FTAA had been too hastily drafted, the lack of any rigorous analysis underpinning or justification for the legislation, and there would be delays and problems with the process. The FTAA overturned nearly 80 years of bipartisan political approach to environmental management in New Zealand, commencing with the Soil Conservation and Rivers Control Act 1941 to the Resource Management Act 1991.
 - b. We also had other serious concerns with the FTAA including:
 - i. The presumption that the natural environment is no longer at the heart of natural resource management legislation. Under this Bill, it will be only one factor in the decision making process, especially with respect to public conservation land;
 - ii. The provisions of the Conservation Act 1987, and associated management strategies and plans would be overridden by the Act;
 - iii. The legal precedent it sets regarding the use of New Zealand's natural resources, especially on public conservation land, and the limited and unduly narrow focus of the decision making process; and
 - iv. The lack of public participation and democratic process in the proposed Bill.

Specific comments on the Bill

7. Below we set out our reasons for opposing the Bill.

Minimal public input into the decision making process

8. In our view the Bill further erodes any credibility in the democratic process. The justification for the Bill is to improve competition in the grocery sector and to make "...specific technical and machinery changes to the FTAA and its processes..."². This bland explanation is a disingenuous attempt to introduce a number of significant changes to the FTAA that will restrict quality of the decision making by the expert Panels, and effectively this will mean all applications under FTAA will be granted. In other words, project approval by Ministerial fiat.
9. The Bill further limits the ability for public input and scrutiny of proposed projects, depriving decision makers' access to local information and expertise that would normally inform any good decision making. Under the FTAA, a Panel can invite comments from persons or parties likely to be affected by a substantial application³. The Bill will limit the Panels ability

² Explanatory note Fast-track Approvals Amendment Bill:
<https://www.legislation.govt.nz/bill/government/2025/0219/11.0/d2979789e2.html#LMS1535237> Downloaded 15/11/2025

³ Section 53 Fast-track Approval Act

to seek additional information to situations where local authority or administering agency does not intend to 'comment on' or 'sufficiently address' the matter⁴.

10. Local authorities and administering agencies can provide substantive information, but they may not have the resources or time to provide substantive comment on major projects. In some cases, local authorities may be conflicted or compromised by their political support for a project.
11. In many cases, local authorities or agencies may not have the depth of knowledge and experience of organisations, such as FMC, in particular areas. For example, our experience with the FTAA application for the proposed Waitaha Hydro project is that the Applicant is relying on dated information about recreational values of the river. There is no obligation or onus on the Applicant to correct this information. The Bill further reduces the Panels' ability to verify the quality of an Applicant's information. In our view the Environment Protection Agency (EPA) should place the onus on Applicants to ensure that the information they are submitting is correct and accurate.

Abuse of the democratic process

12. FMC's main concerns are around the continuing attack on democratic rights and process, the further consolidation of power in the hands of a few Ministers, and the fact that this will enable further weakening of environmental protections against inappropriate developments.
13. The decision making process is skewed in favour of the Applicants. As we point out above, the purpose of the Bill is to expedite the decision making process and ensure that applications are approved. The independence of Panels is jeopardised. Applicants can under the Bill object to prospective Panel members⁵. Given the potentially small number of suitably qualified people who could act as Panelists, Applicants should not have the ability to select their preferred 'experts'. It opens up opportunities for all sorts of corrupt behaviour, and will more likely increase the chances of legal challenges on decisions due to conflicts of interest.
14. There is no justification for many of the proposed changes to the FTAA. We note that there are no regulatory impact statements to provide at least some independent assessment of the potential implications of the Bill. Many of the supporting documents provided by the Ministry for the Environment have been extensively redacted.
15. As many of the projects are likely to be contentious and have wide ranging environmental and economic effects, it is incredible that the Ministry for Regulation should not require a Regulatory Impact Statement "*...on the grounds that the economic, social or environmental impacts are limited and easy to assess.*"⁶. Enough knowledge and experience has been acquired since the FTAA came into effect last year to know that the proposals are often complex, and require very good information and time to understand the implications before making a decision.

Reduced timeline for decision making

16. The short timeline for the decision making process under the FTAA is to be reduced further:
 - a. The period for comments from local authorities and other agencies on referral applications is reduced from 20 to 15 days⁷.

⁴ Clause 33

⁵ Clause 56

⁶ <https://disclosure.legislation.govt.nz/bill/government/2025/219> Downloaded 15 November 2025

⁷ Clause 9

- b. Panels would only have a maximum time of up to 60 working days to make a decision on an application⁸, compared to the current provisions which allow for a time frame “.. *that the panel convener considers is appropriate, having regard to the scale, nature, and complexity of the approvals sought in, and any other matters raised by, the substantive application*”⁹.
17. Many of the proposed projects are likely to be complex. This will require panelists, local authorities and other agencies to understand large amounts of technical information that will need to be verified to ensure that it is fair, adequate and accurate. Panels will want to make sound decisions because they know of the legal implications and reputational risks of not getting it right. The reduced timeline constrains the ability of Panels to seek independent advice from technical experts, local communities or other interested parties on the implications of a project.
18. Experience to date shows that Panels need more time to make a decision. The average time for a decision on a substantive application is 35 weeks (159 working days)¹⁰. A development could have long-term multigenerational effects on the environment and /or a community. For the sake of a few additional weeks, there appears to be no rationale or justification for shortening the consultation and decision making timeline.

Increased risk of litigation under the proposed changes

19. The claim that the changes will resolve time delays in the process is also disingenuous. Some proposed changes, such as allowing Applicants to modify their substantive application, will undoubtedly lengthen the process, yet other potential changes that could genuinely reduce time frames, such as the EPA checking accuracy of applications before appointment of a Panel, have not been proposed. Decisions must be made on information that is fair, adequate and accurate. The abovementioned reduction in quality of decision-making is likely to increase the risk of litigation, and actually increase the length of time it takes to get projects underway.

Ministerial control over the decision making process

20. The Bill allows the Minister to issue a Government policy statement about the regional or national benefits of certain types of infrastructure or development projects¹¹. The policy statement would be notified in the *Gazette*. The Bill does not state how these policy statements will be developed, or whether there will be any opportunity for public scrutiny of a draft policy statement. The Bill would require the Minister to consider the relevant Government policy statement when assessing a referral application¹². The expert Panel must also consider the policy statement when deciding on a substantive application¹³.
21. The scope of these Government policy statements could be broad or specific depending on the purported regional or national benefits of a project. Almost any project or development could be justified on the grounds that it had ‘regional or national benefits’ with little or no regard to their net costs on the environment or to the New Zealand taxpayer. Historically, the true net cost, including externalities, of large-scale industries or development in New Zealand has often been overlooked or ignored. For instance, there are numerous examples

⁸ Clause 44

⁹ s. 79 FTAA 2024

¹⁰ <https://www.dentons.co.nz/en/insights/articles/2025/september/24/full-steam-ahead-on-fast-track> Downloaded 15 November 2025

¹¹ Clause 10A

¹² Clause 12

¹³ Clause 45

of 'significant' projects, such as the Tui Oil field¹⁴, the Tiwai Point aluminium smelter¹⁵ and the Tasman Mill at Kawerau¹⁶ where no account was made of subsequent large decommissioning and clean-up costs. Similarly, the damage caused by forestry slash after Cyclone Gabrielle¹⁷ resulted in substantial costs to clean up and repair infrastructure.

22. Under the proposed Bill, a Minister could also determine which listed or referred projects are a priority¹⁸. The new clause directs the EPA how to carry out its duties and functions and the Director General of Conservation if a substantive project requires a land exchange.
23. The practical effect of these proposed changes is to revert back to the original version of the FTAA. A Minister will have very broad discretion to determine what regional or national benefits of a proposed project are likely to be. In effect Ministers can choose to promote their favoured projects. The role of impartial, independent, expert technical Panels will be greatly diminished. As we pointed out in our submission on the original FTAA, this process is at odds with New Zealanders' expectations of open democratic debate. It opens the door to an abuse of the process as lobbyists, developers, political donors and others seek to influence or obtain favours to promote their interests without any opportunity for the wider public to question or test the validity of any proposals.

Conclusion

24. New Zealanders should be very concerned about this ongoing consolidation of power and erosion of their rights to have a say on projects that affect their environment and communities. In effect, project approvals will be by Ministerial fiat.
25. The Bill is also at odds with New Zealand's open democratic process and values, especially to the people, organisations, communities and subject experts who have contributed over many decades a great deal of time, expertise and resources to New Zealand's environmental legislation and associated policies and plans. The solution is not to further restrict rights to a fair decision making process and appeal. The solution is to create a system that treats democratic rights and environmental values as a core part of the system so that they don't need to be considered as an exception in every case.
26. Under this Bill, the approval process is skewed in favour of large-scale developments. The wider public and organisations such as FMC are effectively excluded from the process. Why should the public and the community continue to participate in consultation and Select Committee processes when their democratic rights to appraise and comment on these projects have been removed?

Nāku, nā



Megan Dimozantos

President

Federated Mountain Clubs of New Zealand

¹⁴ <https://www.rnz.co.nz/news/top/511110/nearly-half-a-billion-taxpayer-dollars-set-aside-to-decommission-tui-oil-field>
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¹⁵ <https://www.rnz.co.nz/news/national/468066/tiwai-point-toxic-waste-clean-up-cost-doubles-to-687m> Downloaded 15 November 2025

¹⁶

<https://www.nzherald.co.nz/business/norkse-skog-facing-up-to-1-billion-in-claims-over-landfill-site-linked-to-kawerau-mill/EPVXWYIFDIBDTLGTE6ZOPNDEI4/> Downloaded 21 March 2024

¹⁷ <https://www.rnz.co.nz/news/national/485640/cyclone-gabrielle-prosecutors-widen-investigations-into-forestry-slash>
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¹⁸ Clause 21