Ministry for the Environment
Manatū Mō Te Taiao

PROACTIVE RELEASE COVERSHEET

Minister	Hon Nicola Willis	**Portfolio**	Acting Minister of Commerce and Consumer Affairs
	Hon Chris Bishop		Minister Responsible for RMA Reform
	Hon Shane Jones		Minister for Regional Development
	Hon Chris Penk		Minister for Building and Construction
Name of package	Reducing regulatory barriers to improve grocery competition and Fast-track Approvals Act 2024 technical amendment: Cabinet paper and subsequent briefings	**Date to be published**	3 November 2025

List of documents that have been proactively released

Date	*Title*	*Author(s)*
7 August 2025	Briefing: BRF-6601 Technical and machinery amendments to the Fast-track Approvals Act 2024	Ministry for the Environment
12 August 2025	Briefing: BRF-6672 Further technical and machinery amendments to the Fast-track Approvals Act 2024	Ministry for the Environment
11 September 2025	Briefing: BRF-6770 Advice on additional amendments for inclusion in the FTAA Amendment Bill	Ministry for the Environment
12 September 2025	Briefing: BRF-6670 Updated Options Table	Ministry for the Environment
19 September 2025	Briefing: REQ-0021215 / BRF-6871 Fast-track Approvals Amendment Bill – Minor amendments to mining permitting	Ministry for Business Innovation and Employment Ministry for the Environment

Information redacted **YES**

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

Summary of reasons for redaction

Some information has been withheld from the above documents to:

- protect the privacy of natural persons

- protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information
- maintain the confidentiality of advice tendered by Ministers and officials
- maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty
- maintain professional legal privilege.

Ministry for the Environment
Manatū Mō Te Taiao

Briefing: Technical and machinery amendments to the Fast-track Approvals Act 2024

Date submitted: 7 August 2025
Tracking number: BRF-6601
Sub Security level: In-Confidence
MfE priority: Urgent

Actions sought from Ministers		
Name and position	***Action sought***	***Response by***
To Hon Chris BISHOP **Minister Responsible for RMA Reform**	**Agree** to the recommendations in this briefing	11 August 2025

Actions for Minister's office staff
Return the signed briefing to the Ministry for the Environment (advice@mfe.govt.nz).

Appendices and attachments
1. Decisions on technical and machinery amendments to the Fast-track Approvals Act 2024

Key contacts at Ministry for the Environment			
Position	***Name***	***Cell phone***	***First contact***
Principal Author	Max Gander-Cooper		
General Manager	Ilana Miller	s 9(2)(a)	✓

Minister's comments

Technical and machinery amendments to the Fast-track Approvals Act 2024

Key messages

1. This briefing seeks your approval for proposed technical and machinery amendments to the Fast-track Approvals Act 2024 (FTAA) to improve the system's workability and ensure it operates in line with the Act's intent.

2. The Fast-track approvals system has now been operational for six months. Through implementation, we have identified a suite of targeted amendments to improve system performance for applicants and other users, and to correct drafting ambiguity or errors. We are seeking your direction on which of these amendments should proceed through an amendment bill.

3. One of the key system challenges identified is the time taken to complete referral and substantive processes. Several of the proposed amendments are aimed at reducing end-to-end timeframes by at least one month.

4. These amendments will be progressed through a Fast-track Approvals Amendment Bill, which will also include provisions to provide greater certainty that the grocery retail sector can access streamlined decision-making under the FTAA (BRF-6599 refers). An initial draft Cabinet paper has been provided to your office. An updated draft, incorporating the decisions approved through this briefing, will be provided on 12 August.

5. 9(2)(h) [redacted]

6. Targeted testing on amendments is underway with some system users, including applicants, councils, panel conveners, panel members and Treaty partners. Written feedback is due by 8 August 2025, and independent interviews will be completed by 19 August 2025. We will update you on any material feedback and incorporate changes into the Cabinet paper where appropriate. We propose that you seek a Cabinet delegation to approve any consequential amendments that may arise.

Recommendations

We recommend that you:

a. **agree** that the nature of any amendments to the Fast-track Approvals Act 2024 (FTAA) should be limited to technical and machinery changes

Yes | No

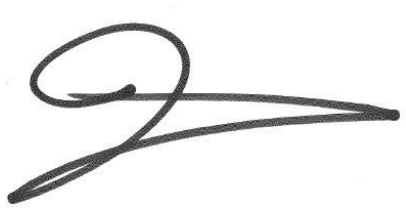
b. **indicate** which proposed amendments to improve workability, reduce timeframes and reduce costs in the Fast-track system you wish to progress (Appendix 1)

Yes | No

c. **note** we will provide you with an update on proposed amendments on 12 August, to reflect further feedback from key system users 9(2)(h)

Noted

Signatures



Ilana Miller
General Manager
Investment Strategy and Operations

Hon Chris BISHOP
Minister Responsible for RMA Reform

Date

Technical and machinery amendments to the Fast-track Approvals Act 2024

Purpose

7. This briefing seeks your approval for proposed technical and machinery amendments to the Fast-track Approvals Act 2024 (FTAA) to improve the system's workability and ensure it operates in line with the Act's intent. These amendments aim to support more timely, efficient, proportionate, and clear processes across the Fast-track system.

Background

8. Since going live in February 2025, the Fast-track system has received 31 referral applications (9 referred) and 25 substantive applications. Two draft substantive decisions have been released. This operational experience has highlighted a set of technical and procedural issues now suitable for resolution.

9. You have requested we identify potential improvements which could be implemented to:

    i Address ambiguities or errors in the original drafting

    ii Improve clarity for applicants and other system users

    iii Improve efficiency of the system by reducing timeframes, duplication and unnecessary costs.

10. In parallel, you and Minister Willis directed officials to progress amendments to provide greater certainty grocery retail projects can access the FTAA process (BRF-6599). The technical and machinery amendments will be packaged with those changes.

Analysis and advice

System Feedback and Identified Issues

11. We have collated feedback from system users and are currently conducting targeted testing with a range of Fast-track participants — particularly applicants, as well as panel conveners and members, legal professionals (Russel McVeagh and Resource Management Law Association), and other frequent users of the system including specific councils, Treaty partners, and agents.

12. To date feedback has highlighted several key issues impacting the Fast-track system's ability to meet the intent of the FTAA — namely, to enable timely, efficient, and proportionate decision-making. The following key concerns have been raised:

    i Decisions on some process steps are not being made as quickly as anticipated, 9(2)(g)(9(2)(g)(i) The referral process is currently taking

on average 62 working days, and the substantive process is currently taking on average 147 working days end-to-end.

ii Information requirements for applicants are not always clear, particularly regarding the parties they must consult with.

iii Complex or duplicative process steps with non-statutory practices, 9(2)(g)(i) are contributing to perceived inefficiencies.

iv Some system costs being higher than originally anticipated, in part due to the extent of feedback being provided by parties invited to comment, and the use of non-statutory steps such as case management conferences.

13. To support the Act's intent, we propose a suite of technical and machinery amendments to better align system operation with the overall intent of the FTAA and the principles in section 10 of the Act (outlined in Appendix 1). These are designed to remove ambiguity, reduce duplication, and ensure process and decision-making steps are proportionate to the function being exercised. The changes fall into three broad categories:

    i Timeframes: The proposed amendments relating to timeframes are broken down into panel convener processes and other process steps. These include imposing clearer or shorter statutory timeframes (e.g. comment windows, panel appointments), enabling concurrent steps, and reducing sequential processes. These changes aim to shorten referral and substantive decision-making by at least a month for each process.

    ii Improving workability: The proposed amendments relating to workability are broken down into EPA processes, panel convener processes and other process steps. These include clarifying key concepts (e.g. administering agency), allowing concurrent lodging of priority and substantive applications, and enabling staged applications for listed projects.

    iii Drafting corrections: These are broken down into amendments proposed by MfE, DOC and MBIE based on their respective responsible Acts. These include, correcting lapsing rules, aligning reporting obligations, and resolving inconsistencies in tests.

14. We consider implementing the changes above will save time and reduce unnecessary costs for applicants.

15. Where appropriate, we will also identify non-legislative actions to address operational inefficiencies that would complement these statutory amendments.

16. We note your recent direction to require expert panels to have regard to the Minister for Infrastructure's reasons for all project referrals (not just grocery retail projects) (BRF-6599 refers) and that this will be addressed as part of the amendments for retail grocery competition.

17. Any drafting is subject to Crown Law Office (CLO) and Parliamentary Counsel Office advice and further amendments that may be required to give full effect to these technical and machinery proposals.

Te Tiriti analysis

18. Consultation with Te Puni Kōkiri indicated that reducing timeframes for comments and restricting either the time a panel convener may take to appoint panels or the information they may receive may run counter to the Crown's obligations to its Treaty partners by reducing their opportunities to be involved in the process. 9(2)(h)

Other considerations

Consultation and engagement

19. We consulted on the proposed changes in Appendix 1 with the relevant administering agencies under the FTAA (Ministry for the Environment, Department of Conservation, Ministry for Primary Industries, Ministry for Culture and Heritage, Ministry for Business, Innovation and Employment, Heritage New Zealand Pouhere Taonga, Environmental Protection Authority), along with Te Puni Kōkiri and Te Tari Whakatau as agencies supporting Ministers who must be consulted on referral applications.

20. As outlined above, targeted engagement with system users is underway, with written feedback due by 8 August. We will update you on any changes arising from this consultation and ensure they are reflected in the updated Cabinet paper, scheduled to be provided to your office on 12 August.

21. In addition to the engagement outlined above, independent interviews with a narrow selection of users — primarily applicants — are being conducted by 19 August to ensure users can provide free and frank feedback. We will provide you with any material findings ahead of the final Cabinet paper being lodged on 21 August.

Risks and mitigations

22. These technical and machinery changes are being progressed alongside amendments to the FTAA to increase certainty that grocery retail sector can access the fast-track process. You have confirmed that the scope of the Bill should remain limited to grocery retail sector competition, and machinery and technical amendments to streamline the FTAA. Expanding the scope beyond this would likely require further policy development and risk delaying the Bill.

23. We have obtained exemption from the requirements for a Regulatory Impact Assessment on the grounds that the economic, social or environmental impacts are limited and easy to assess. Any changes to the scope of the amendments (beyond technical changes) may require a RIS, delaying passage of the Bill.

24. The implications of these amendments has not been fully explored at this stage and there is a risk that they may have unintended consequences. We have consulted with a broad section of system users to capture as many potential consequences as possible and consider that most issues should be identified through a Select Committee process.

9(2)(h) [redacted]

[redacted]

Next steps

28. We will receive comments from targeted system users 9(2)(h) by 8 August. We will provide you with advice on additional amendments (including any clarifications or refinements to any of our proposed amendments in Appendix 1), prior to lodging the Cabinet paper. You will receive an updated Cabinet paper which will reflect your decisions on Appendix 1 on 12 August.

Table A: Next steps

Milestone	Date
Updated Draft Cabinet paper sent to Joint Ministers	12 August
Ministerial consultation	13 - 18 August
Independent interviews complete	19 August
Lodgment	21 August
Cabinet consideration	25 August

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Appendix 1: Proposed technical and mechanical amendments to the Fast-track Approvals Act 2024

Current section	Issue	Advice	Recommendation	Decision
Improving workability (EPA processes)				
New section	*EPA Expectation Setting* Despite being the Minister responsible for the FTAA, the Minister for Infrastructure currently has no mechanism to issue expectations to the EPA, which is responsible for administering key functions under the Act. This creates a gap in accountability and limits the Minister's ability to influence the EPA's performance, priorities, or approach to administering the fast-track system.	*EPA Expectation Setting* We consider that the Act could be amended to enable the Minister for Infrastructure to issue directions or expectations to the EPA on FTAA-related matters. This would strengthen accountability and ensure alignment with the Minister's priorities for the operation of the fast-track system. A consequential amendment to the Environmental Protection Authority Act 2011 would likely be required to give effect to this change.	*EPA Expectation Setting* Amend the legislation to enable the Minister for Infrastructure to set expectations for the EPA in relation to its functions under the FTAA.	Yes / No
106	*Interest* The EPA collects an application fee and levy to support a user-pays system and cover its costs. However, section 106(2) does not clearly enable the EPA to hold unused funds in an interest-bearing account, creating uncertainty about how these charges can be managed.	*Interest* 9(2)(g)(i) , we recommend amending the Act to explicitly allow the EPA to hold funds in interest-bearing accounts and to retain and redeploy the interest earned. This would address ambiguities in the original drafting.	*Interest* Clarify that that the EPA can hold monies received from fee and levy payments in interest bearing accounts and to redeploy that interest	Yes / No
Various	*Parallel processing* Under the current design, key steps in the application process—such as completeness checks, assessment for competing applications, and panel nominations—are conducted sequentially. This linear sequencing contributes to inefficiencies by extending overall timeframes and requiring repeated engagement with the same agencies or stakeholders at multiple points. These duplicated touchpoints reduce system efficiency and create avoidable administrative burden.	*Parallel processing* We consider that several steps required by the Act could be undertaken concurrently to improve efficiency and reduce overall processing time. In particular, the following actions could be enabled to proceed in parallel: • Completeness check under section 46 (15 working days) • Competing applications check under section 47 (10 working days) • Inviting panel member nominations from relevant local authorities (Schedule 3) Allowing these steps to progress concurrently would reduce idle time between phases and improve overall process efficiency. Concurrent processing introduces a risk that time and resources may be expended on functions that ultimately prove unnecessary—for example,	*Parallel processing* Amend the relevant sections of the Act to enable specified steps in the application process to be undertaken concurrently and make any supporting amendments necessary to give effect to this approach.	Yes / No

	Enabling certain steps to occur in parallel, where appropriate, would streamline the process and support more timely progression of applications.	initiating a competing applications check for an application that is later deemed incomplete. 9(2)(g)(i) The costs anticipated with these steps are expected to be minor. We note that even with concurrent processing, decision points would still need to follow the order set out in the Act. For instance, an application cannot be confirmed as having no competing applications (and be deemed first-in) until it is first deemed complete.		
Various	*Actual and reasonable costs limits* Relevant agencies and councils are asked to comment at multiple stages of the referral and substantive application processes, all of which are cost recoverable. Invoices received to date suggest that some agencies and councils appear to be circulating applications widely within their organisations—often beyond what appears necessary to provide a meaningful response. This is generating in some cases unnecessary costs to applicants, raising concerns about the efficiency, consistency, and reasonableness of cost-recovery practices across the system. This may not align with the principles in section 10 which require parties to use cost-effective processes. Without clearer guidance or limits, this could undermine confidence in the process and create barriers to participation.	*Actual and reasonable costs limits* We consider this is largely an operational matter, as system participants are expected to incur "actual and reasonable costs" in line with the Cost Recovery Regulations and each agency's Cost Recovery Policy. If needed, the Act could be made more directive by requiring agencies and councils to comment only on matters relevant to the specific step of the process they are being asked to contribute to. This could involve clarifying the scope of comment requests, rather than relying on the current broad "seek comments from" wording. This would ensure comment requests are appropriately targeted and support more consistent, efficient, and proportionate cost recovery. We note that the full suite of amendments proposed to improve workability should reduce costs in the system by providing clarity and improving timeliness	*Actual and reasonable costs limits* Review costs incurred by parties in the fast-track process as part of the scheduled cost recovery review in early 2026, to identify opportunities to improve consistency, transparency, and proportionality of charges. AND/OR Amend the Act to clarify that agencies and councils may only provide comments on matters directly relevant to the specific steps of the process for which their input is sought.	Yes / No Yes / No
Section 46	*Completeness check suspension* The EPA must determine within 15 working days whether an application is complete and return it if not. However, the Act does not allow the EPA to request further information, nor does it enable the statutory clock to be temporarily suspended at the applicants request to allow applicants to provide requested information if needed. This results in applications being returned for minor issues that could have been quickly resolved,	*Completeness check suspension* We consider the process would be more time- and cost-effective if the EPA could seek clarification or further information from applicants during the completeness check. This would improve process efficiency. As the EPA is required to consult with other agencies and operate within a 15-working day statutory timeframe, adding an extra step may affect its ability to meet that deadline. We therefore recommend including an optional 9(2)(f)(iv) suspension, triggered at the applicant's request, if they need additional time to respond to an EPA request for information. This would support better outcomes without compromising statutory requirements.	*Completeness check suspension* Amend section 46 to allow EPA to seek further information from applicants on substantive applications where necessary AND Include provision for the applicant to request a suspension of the completeness check on 9(2)(f)(iv)	Yes / No Yes / No

	creating unnecessary delay and inefficiency.			
Panel convener processes (timeframes and workability)				
Section 50(1)	*Panel appointment timeframes* The Act does not set a timeframe for panel appointments, which are currently taking an average of 27 working days (5.5 weeks). 9(2)(g)(i) [redacted]	*Panel appointment timeframes* 9(2)(g)(i) [redacted] 9(2)(f)(iv) [redacted]	*Panel appointment timeframes* Amend the Act to require panels be appointed within 15 working days, with extensions allowed only in defined circumstances or with applicant agreement.	Yes / No
	9(2)(g)(i) [redacted]			
9(2)(g)(i) [redacted]				

Section 79	*Time period for panel decision* The Act allows the panel convener to set the decision-making timeframe for panels, or defaults to 30 working days after the section 53 comment period if no timeframe is set. To date, the panel convener has consistently set longer timeframes—typically 50 working days or more—and the Act does not specify an upper limit. 9(2)(g)(i)	*Time period for panel decision* 9(2)(g)(i) To support efficiency while maintaining decision quality, the Act could limit the panel convener's discretion by specifying a set of allowable timeframe options (e.g. 30, 40 or 50 working days), linked to project complexity, approvals required, or the extent of external advice. The risk with this option is that the parameters would need to account for any potential scenario, which we consider would be highly complex and creates the risk of scenarios arising which do not align with the set parameters. Alternatively we recommend setting an upper limit on panel decision timeframes—such as 60 working days (double the default 30 day timeframe)—which could only be exceeded with the applicant's agreement. This would help ensure that extended timeframes are used only where genuinely warranted and supported by the applicant. The timeframes above are illustrative, further work is required to confirm what options are workable for highly complex applications. 9(2)(h)	*Time period for panel decision* Amend section 79 to limit the convener's discretion to a defined set of timeframe options (e.g. 30, 40 or 50 working days), with parameters for when each should apply AND/OR Amend section 79 to include an upper limit (e.g. 60 working days) for panel decision timeframes, which could only be exceeded with the applicant's written agreement (preferred option)	Yes / No Yes / No
Schedule 3, clause 13	*Panel convener indemnity* The Act provides immunity for panel conveners and members acting in good faith when carrying out panel functions but does not extend this	*Panel convener indemnity* Without statutory protection from liability, panel conveners are reluctant to perform their functions without indemnity. MfE is currently providing a separate indemnity up to $300,000, but this poses a financial risk to the Crown if conveners are regularly subject to legal challenge. Amending	*Panel convener indemnity* Amend the Act to include professional indemnity for Panel Conveners when carrying out their core functions under the Act, and extend clause 13 to	Yes / No

	protection to conveners performing their separate statutory functions as conveners. Clause 13 also does not provide immunity for associate panel conveners. This creates a gap in liability protection.	the Act to provide appropriate immunity would reduce this risk and address ambiguities in the original drafting.	provide the same protection to Associate Panel Conveners.	
Schedule 3	*Panel start date* Panel conveners are currently appointing panel members on a specific date but specifying a later effective start date for the panel. This practice introduces additional "uncounted" days into the fast-track approvals process, reducing transparency around actual timeframes and affecting overall system efficiency. In addition, there is ambiguity regarding whether the EPA can cost recover for application-specific work undertaken by panel members in the period between their appointment and the formal commencement of the panel. This creates uncertainty for both administrative planning and financial accountability.	*Panel start date* We consider that the effective start date of a panel should align with the commencement of its work on an application. This could be achieved by: • Defining the date of appointment as the date on which the panel begins its assessment activities; or • Requiring that panels must commence work within a specified number of working days following appointment. However, this would not prevent the panel convener setting a future date for "appointment" as is currently the case. Clarifying this in legislation would improve transparency, reduce "uncounted" time in the process, and support more efficient tracking of statutory timeframes.	*Panel start date* Amend the Act to clarify that a panel's appointment date should be the date on which the panel convener decides on the members of the panel. AND The date the panel commences work on an application must be within a set number of working days (e.g. 5) of appointment	Yes / No Yes / No
Schedule 3	*Setting Expectations – Panel Conveners* While the Minister can appoint and remove the panel convener and associate conveners, and they are required to comply with section 10 procedural requirements, the Act does not provide the Minister with a power to set expectations on how they should give effect to those requirements. This limits the Minister's ability to ensure consistent and efficient system performance.	*Setting Expectations – Panel Conveners* Setting expectations of the panel convener has implications for the independence and impartiality of the panel convener, and consequently the shape of decision making in the FTAA regime as a whole. We consider the proposed changes identified above in the table will improve efficiency of panel convener functions by prescribing requirements on their functions. 9(2)(h) [redacted]	*Setting Expectations – Panel Conveners* Retain status quo s 9(2)(h) [redacted] Note we are working on potential alternative mechanisms to achieve this outcome and we will keep you updated.	Yes / No

		9(2)(h) [redacted]		
Timeframes (process steps)				
Section 17	*Referral timeframe for comments* The FTAA is designed to support timely decision-making. Section 10 reinforces this by requiring all persons exercising functions under the Act to use timely, efficient, consistent, and cost-effective processes that are proportionate to their role. The current 20 working day timeframe for invited parties to comment on referral applications may be longer than necessary, given the relatively limited scope and information available at this stage. Reducing this period to 15 working days could improve the speed of the referral process without compromising decision quality, better aligning with the intent of the Act.	*Referral timeframe for comments* Given the scope of the Minister for Infrastructure's decision at the referral stage, we consider that reducing the timeframe for invited parties to provide comment from 20 to 15 working days could be achieved without compromising decision quality. The Minister's discretion to accept late comments would be retained. This change would support greater process efficiency. We note that parties have 20 working days to comment on substantive applications, which involve significantly more detailed and complex material. A shorter timeframe at the referral stage is therefore a proportionate adjustment, reflecting the lower level of information and narrower decision required. 9(2)(g)(i) [redacted] On balance, while the proposed reduction could improve efficiency, the associated risks—9(2)(g)(i) [redacted] require consideration.	*Referral timeframe for comments* Amend section 17 to reduce the comment period from 20 to 15 working days to improve process efficiency OR Retain the current 20 working day timeframe to ensure sufficient time for input from key stakeholders	Yes / No Yes / No
Section 18	*S18 Ministerial Comments* Section 18(3) of the FTAA requires that a draft report on Treaty settlements and related obligations be provided to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti. In practice, this step is occurring after the closure of the section 17 comment period, adding	*S18 Ministerial Comments* We consider that comments from the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti could be sought during the section 17 comment period. This would streamline the referral process by removing approximately 10 working days, focus Ministerial input on portfolio-specific matters, and provide the same timeframe to comment as other parties. 9(2)(g)(i) [redacted]	*S18 Ministerial Comments* Replace the requirement to provide a draft report to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti under section 18 with a mandatory requirement to invite comment from them under section 17.	Yes / No

	an additional 10 or more working days to the referral process. 9(2)(g)(i) There is a missed opportunity to streamline the process by integrating consultation with the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti into the section 17 comment period. Doing so would remove approximately 10 working days from the process and ensure the Minister is given the same period to provide feedback as others, while improving efficiency and clarity of roles.	9(2)(g)(i) 9(2)(g)(i)		
Section 38(1)(a)	*Priority Application Timing* Section 38(1)(a) requires that priority panel applications be determined before a substantive application is lodged. This sequencing was not intended and creates inefficiencies, as applicants must wait for a Ministerial decision before progressing.	*Priority Application Timing* The policy intent was for priority applications to be made at the same time as the substantive application, not prior. As currently drafted, section 38(1)(a) creates a separate, preliminary step that delays the process and limits the information available to support the Minister's decision. Amending the provision to allow both applications to be lodged in parallel would address this drafting error and align the process with the original policy intent.	*Priority Application Timing* Amend section 38 to enable priority applications to be lodged concurrently with substantive applications, before providing the application to the panel convener.	Yes / No
Sections 70 and 72	*Parallel processing comments on draft decision* Section 70 requires a panel, prior to granting an approval, to invite comments on its draft conditions from various parties and set a timeframe for response. Section 72 requires a panel, prior to granting or declining an approval, to invite comments on its draft decision and conditions from the Ministers for Māori Crown Relations: Te Arawhiti and Māori Development, with a 10-working day period for response.	*Parallel processing comments on draft decision* We recommend it is clarified that these steps should occur at the same time to improve timeliness and efficiency in the process.	*Parallel processing comments on draft decision* Clarify that a panel can seek comments on its draft conditions and decision from the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development concurrently with other parties and set a timeframe not shorter than 10 working days for response.	Yes / No

	It is not clear whether these steps must happen concurrently or sequentially.			
Improving workability (process steps)				
9(2)(g)(i)				
Section 13	*Referral significance of effects information* Under the FTAA, applicants seeking referral are required to identify the adverse effects of a project, but there is no requirement to assess the significance of those effects. This limits the information available to the Minister when considering whether to decline a project on the basis that the adverse effects are likely to be significant. The absence of this requirement may reduce the quality of information at the referral stage and constrain the Minister's ability to assess if a project should be declined based on the significance of effect.	*Referral significance of effects information* Since the Minister may decline a project if it is likely to have significant adverse effects, there is value in requiring applicants to comment on the anticipated significance of those effects as part of their referral application. This would improve clarity for applicants and system users, and support more informed and consistent decision-making. Including this wording would enable MfE to add a specific question to the application form.	*Referral significance of effects information* Amend the Act to require applicants to comment on the anticipated significance of adverse effects as part of referral applications.	Yes / No
Section 42	*Staging for Listed Projects*	*Staging for Listed Projects*	*Staging for Listed Projects*	

	Section 42 allows an authorised person to lodge a single substantive application covering all stages of a referred project. However, it does not permit separate substantive applications for each individual stage listed in Schedule 2. This limits flexibility for applicants and is creating practical issues for staged or complex listed projects, particularly where applicants were unaware of this limitation when seeking listing in the Act.	Feedback from applicants—particularly those delivering large-scale infrastructure projects in stages—is that the requirement to lodge a single substantive application for the entire project is not always practical. 9(2)(g)(i) Alternatively, a mechanism could be introduced allowing the Minister for Infrastructure to confirm whether a proposed stage is independently significant. This would support flexibility while maintaining assurance that each stage of the project continues to meet the significance threshold. 9(2)(h)	9(2)(g)(i) Enable staging of all listed projects and include a mechanism in the Act for the Minister for Infrastructure to make a determination about the significance of a proposed stage for a Listed project	Yes / No Yes / No

		9(2)(h) [redacted]		
Schedule 2	*Descriptions of listed projects* Projects listed in Schedule 2 are identified by a brief project summary, unlike referred projects, which are defined in detail through a notice of decision. Some applicants have raised concerns that the wording in Schedule 2 does not adequately capture the full scope of their project, creating a risk that their substantive application may be deemed incomplete or "out of scope." This issue is currently being tested in judicial review proceedings relating to the EPA's completeness decision on the Stella Passage project.	*Descriptions of listed projects* We consider there are three options to address concerns about the scope of project descriptions in Schedule 2: 1. Amend the definition of listed project to clarify that descriptions in schedule two are not exhaustive and only intended to be indicative 2. s 9(2)(f)(iv) [redacted] 3. Introduce an Order in Council (OiC) power to allow minor amendments to project descriptions in Schedule 2, recognising that these projects were initially approved by Cabinet. s 9(2)(f)(iv) [redacted] [redacted] We note we are awaiting the outcome of the judicial review of the Stella Passage project before making any changes. The Court may confirm that Schedule 2 descriptions are not intended to be exhaustive, but rather to serve as a means of identifying listed projects. We will provide you an update following this decision. s 9(2)(f)(iv) [redacted] 9(2)(h) [redacted] [redacted]	*Descriptions of listed projects* Amend the definition of listed project to clarify that descriptions in schedule two are not exhaustive and only intended to be indicative (preferred option) OR Amend the Act to include a tightly defined power to amend the descriptions in Schedule 2, solely for the purpose of clarifying the description of the existing listed projects – s 9(2)(f)(iv) [redacted]	Yes / No Yes / No

		9(2)(h) [redacted]		
	Papakura Courthouse Schedule 2 includes a new courthouse project, and the applicant listed for that project is the Ministry of Justice. The Ministry of Justice is not a requiring authority under the RMA, so would not be able to seek designations for the project.	*Papakura Courthouse* While there is the power under section 117 to amend authorised persons under an Order in Council, we consider this can be addressed by a change to Schedule 2 under this Bill.	*Papakura Courthouse* Amend the authorised person for the Papakura District Courthouse (New) Project from Ministry of Justice to Minister of Justice	Yes / No
Drafting clarifications (MfE)				
Section 4 (definitions)	*Complex freshwater activities* The definition of complex freshwater fisheries activity currently includes "an activity that includes construction of any of the following: … works… that are within 500 m of the coast and occur during the whitebaiting season".	*Complex freshwater activities* This definition does not reference anything to do with non-coastal water bodies. We believe this is likely in error given the nature of the approvals contemplated (which relate to freshwater activities). This does not necessarily create a requirement that applicants for any coastal works apply for complex freshwater fisheries activity approval, but we suggest the error should be resolved to avoid ambiguity or future challenge.	*Complex freshwater activities* Clarify that the definition of complex freshwater activity is not limited to "within 500 metres of the coast"	Yes / No
	Administering agencies Section 4 of the FTAA defines an administering agency as "the chief executive of a department that, with the authority of the Prime Minister, is responsible for the administration of a specified Act." This definition has had the unintended consequence of designating: • The Ministry for the Environment as the administering agency for both the FTAA and the Resource Management Act 1991; and • The Ministry for Culture and Heritage as the administering agency for the Heritage New Zealand Pouhere Taonga Act 2014. It was not the policy intent for these agencies to be treated as administering agencies under the FTAA. In both cases, relevant	*Administering agencies* We recommend amending section 4 to exclude the Ministry for the Environment and the Ministry for Culture and Heritage from being classified as administering agencies under the FTAA. In practice, the relevant processes under the Resource Management Act 1991 and the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) are administered by local authorities and Heritage New Zealand Pouhere Taonga (HNZPT), respectively. To improve clarity for applicants and system users, we also suggest incorporating a schedule or list of administering agencies aligned to each specified Act within the legislation. We note that this change would remove the ability for MfE and the Ministry for Culture and Heritage to comment on applications in their capacity as administering agencies. However, it would preserve the ability for the Minister for the Environment and other relevant portfolio Ministers (e.g. the Minister for Culture and Heritage) to comment when invited.	*Administering agencies* Amend the Act to include a list of relevant administering agencies for each specified Act, explicitly excluding the Ministry for the Environment and the Ministry for Culture and Heritage.	Yes / No

	feedback and expertise are more appropriately provided by other entities (e.g. councils for the RMA and Heritage New Zealand Pouhere Taonga for heritage matters). The current definition risks duplicative engagement and inefficiency.			
	Relevant portfolio Ministers Sections 17 and 53 of the FTAA require the Minister for Infrastructure (for referral decisions) and expert panels (for substantive decisions) to seek comment from the "relevant portfolio Minister." However, the term is not defined in the Act, resulting in inconsistent and subjective determinations about which Ministers should be consulted. This issue is compounded by the large number of potential portfolio Ministers whose responsibilities may intersect with fast-track applications—ranging from environment, conservation, transport, housing, energy, Māori development, and more. The lack of a clear definition increases the risk of omitting important Ministerial input, over-consulting unnecessarily, and generating delays or procedural inefficiencies.	*Relevant portfolio Ministers* We consider that expert panels are currently issuing Ministerial invitations too broadly under section 4, including to Ministerial portfolios with only peripheral relevance to the project or its approvals. This creates unnecessary confusion for Ministers and undermines the efficiency of the process. We consider that this issue could be addressed by either: • Including a specific list of Ministerial portfolios in section 4 to clarify which Ministers must be consulted; or • Defining "relevant portfolio Minister" in a way that captures Ministers with responsibility for approvals required for the project, and those responsible for the applicable sector (e.g. the Minister of Housing for a residential development). While listing specific portfolios would improve clarity for applicants and system users, this approach risks becoming outdated as portfolios shift over time. A functional definition would provide greater durability while still supporting consistent and appropriate Ministerial consultation. An alternative approach using non-legislative means could be to issue guidance on which portfolios should typically be consulted to improve consistency, reduce unnecessary consultation, and support system efficiency without requiring legislative amendment.	*Relevant portfolio Ministers* Include a definition of "relevant portfolio Minister" in the Act OR Retain the status quo and publish non-statutory guidance identifying which Ministerial portfolios should be invited to comment (preferred option)	Yes / No Yes / No
Section 30	*Consent Authority ambiguity* The Act requires consent authorities to identify any existing resource consents for the same activity as that sought in an application. In practice, this requirement is only relevant to replacement consent applications, which are functions of regional councils. However, the Act does not specify this, resulting in unnecessary effort by other consent authorities where the requirement does not apply. This creates inefficiency and administrative burden without adding value to the assessment process.	*Consent Authority ambiguity* This section currently applies to both district and regional councils, but the requirement to identify existing consents is only relevant to regional council functions. We propose clarifying the provision to apply only to regional and unitary authorities. This would reduce unnecessary administrative effort and address ambiguity in the original drafting.	*Consent Authority ambiguity* Amend section 30 to limit the requirement to identify existing consents to regional and unitary authorities only.	Yes / No

Section 42(4)(c)	*Certificate of Compliance for permitted activities* This section allows applicants to seek a certificate of compliance (COC), but it is unclear that panels may only grant COCs for permitted activities, as intended. This lack of clarity risks misinterpretation and is inconsistent with the original policy intent.	*Certificate of Compliance for permitted activities* This section currently appears to allow a panel to grant a certificate of compliance even for an activity that would require a resource consent. This is a drafting error and should be corrected to align with the policy intent. Doing so would address ambiguities in the original drafting.	*Certificate of Compliance for permitted activities* Amend section 42(4)(c) (and other relevant sections) to clarify that a certificate of compliance can only be granted for activities with a permitted activity status	Yes / No
Schedule 5, Clause 26(3)	*Approval lapse period* The clause states that "If no date is specified under subclause (1), the approval lapses after it commences," which effectively renders all approvals defunct unless a panel sets a lapse date. This is likely unintended and creates unnecessary risk for applicants.	*Approval lapse period* 9(2)(g)(i) A default lapse date should be included where none is specified by the panel. This would address ambiguities in the original drafting and ensure approvals remain valid without requiring panels to set a date in every case.	*Approval lapse period* Amend Schedule 5, Clause 26(3) to include a default lapse period (2 years)	Yes / No
Drafting clarifications (DOC)				
Schedule 6	*Concessions report* The DOC report for concessions required under clause 4 of Schedule 6 was intended to align with the decision-making criteria in clause 7. 9(2)(g)(i) confusion remains for applicants and agencies about the scope and content of the DOC report.	*Concessions report* Other report-writing clauses, such as clause 3 of Schedule 7, require agencies to report on the matters the panel must consider when making decisions. Applying this same approach to the concession report in clause 4 of Schedule 6 would provide greater clarity and consistency for both applicants and agencies.	*Concessions report* Align the matters in clause 4 of Schedule 6 with those in clause 7 to ensure consistency between the concession report and the panel's decision-making criteria.	Yes / No
Schedule 6 and 7	*Transfers* The Act currently prevents the transfer of concessions and Wildlife Act approvals. This means that even if an existing approval is available, applicants cannot assume it and must apply for a new one, creating unnecessary duplication and administrative burden.	*Transfers* DOC propose and we agree the Act should be amended to include the transfer of existing concessions and Wildlife Act approvals in Schedules 6 and 7, along with appropriate consequential information requirements and decision-making criteria. This would improve clarity and reduce unnecessary duplication for applicants and other system users.	*Transfers* Amend Schedules 6 and 7 to include transfer of approvals	Yes / No

Schedules 7	*Scope of approvals enabled under Wildlife Act* It was clarified at the Departmental Report stage that authorisations should be available for all Wildlife Act authorisations where the absence of lawful authority is an element. 9(2)(g)(i)	*Scope of approvals enabled under Wildlife Act* 9(2)(g)(i)	*Scope of approvals enabled under Wildlife Act* Include authorisations under section 56 of the Wildlife Act as within scope of the FTAA	Yes / No
Schedule 9	*Complex freshwater activities* The information requirements in Schedule 9 for complex freshwater fisheries approvals still contains outdated content relating to simple freshwater fisheries activities, which are now covered under the RMA approvals schedule (5).	*Complex freshwater activities* 9(2)(g)(i)	*Complex freshwater activities* Amend/update the information requirements for Schedule 9 approvals relating to complex freshwater fisheries activities	Yes / No
Land Exchanges	*Council reserves* Council reserves were added late in the Bill development as eligible land for exchange, but the exchange provisions were not updated to reflect situations where the land is managed by someone other than DOC, either before or after the exchange. This creates uncertainty in how the provisions apply to council-managed land.	*Council reserves* 9(2)(g)(i)	*Council reserves* Clarify that land exchanges can occur for land managed by the Department or reserve manager as relevant (or words to this effect).	Yes / No
	Net benefits Clause 29(2) does not account for situations where land offered in an exchange is already under permanent legal protection (e.g. covenant-protected private land). In such cases, the "net benefit" test could be met solely by bringing the land into Crown ownership, even if this does not result in an actual increase in the overall area of protected land.	*Net benefits* If this is not corrected then, for example, a developer could enter into council covenants to satisfy conditions of resource consent, and then exchange that covenanted land with DOC in later years, with the exchange essentially being a "double-dip" on the use of the protected areas (as well as freeing the developer of the burden of managing those protected areas). This is a perverse outcome and the test needs to be amended to ensure that existing protection mechanisms in place on land to be exchanged are at least factored into the "net benefit" test.	*Net benefits* Amend the net benefits test to ensure that existing protection mechanisms in place on land to be exchanged are factored into the "net benefit" test	Yes / No
	Money for net benefits	*Money for net benefits*	*Money for net benefits*	

	Clause 34(3) specifies that money received must be spent on the land acquired in the exchange to achieve net benefit. However, Clause 32(1)(b), which allows applicants to carry out or fund net benefit works, does not specify that the works must be on the exchanged land. This creates ambiguity.	The intent behind these provisions was that the benefit should be limited to the land received. Applicants should not be able to exchange poor quality land for high quality Crown land and offset that by improving other unrelated Crown land. The intention is that only money received for works required to achieve net benefit should have to be used on the land acquired by the Crown in the exchange. Equality of exchange money is to go to the Crown to avoid having the disposal of land in the exchange trigger "appropriation" rules. This would be relatively simple to fix, with wording similar to clause 34(3) making the clauses operate as intended.	Clarify in clause 32 that that money received for net benefit must be spent on the land received in the exchange	Yes / No
	Consultation As a result of the "land exchange" application sitting outside of the two normal referral and substantive application stages, there is a gap where "pre-application consultation" for listed land exchange projects needs to happen before the substantive exchange application is applied for, rather than before the land exchange application.	*Consultation* The result is that a listed project requiring only a land exchange could lodge their exchange application with DOC without consulting, go through the whole land exchange process, and then "consult" with DOC afterwards as part of preparing to lodge their substantive application. This essentially defeats the purpose of the pre-lodgement consultation stage. Adding a pre-application consultation requirement for all land exchanges would enhance system efficiency by giving the greatest chance that exchange applications can enter the system and proceed smoothly, with applicants pre-advised by DOC of everything they'll need.	*Consultation* Add a pre-application consultation requirement for land exchanges	Yes / No
	Clarifications for finances in exchanges There are two separate financial elements to exchanges: 10.1.1. Payments by applicants to the Department to cover the cost of works required to achieve "net benefit" (e.g. planting or pest control on the land received in the exchange). See clause 29(2) and its reference to clause 30. 10.1.2. Payments by applicants to the Crown to cover "equality of exchange" where the market value of the applicant's land is lower than the market value of the Crown land they'll receive in the exchange. See clause 31(1)(c) of Schedule 6. During the drafting we needed to ensure that the Crown was empowered to receive money from both sources, and did so via clause	*Clarifications for finances in exchanges* The intention is that only money received for works required to achieve net benefit should have to be used on the land acquired by the Crown in the exchange. Equality of exchange money is to go to the Crown to avoid having the disposal of land in the exchange trigger "appropriation" rules.	*Clarifications for finances in exchanges* Clarify that only money received for works required to achieve net benefit should have to be used on the land acquired by the Crown in the exchange	Yes / No

	30 of Schedule 6. The way the drafting has ended up, clause 34(3) of Schedule 6 referred to clause 30, and so requires the Crown to use money received by the Crown from any source for improvements to the land received required to achieve net benefit.			
Drafting clarifications (MBIE)				
Clause 20(1)(f), Schedule 11 (provisions proposed by MBIE as the administering agency for the Crown Minerals Act)	*When a mining permit must not be granted* Clause 20(1)(f) of Schedule 11 contains a drafting error that introduces a timing inconsistency in the assessment of operator capability, resulting in a misalignment with the intended regulatory purpose. The clause currently requires the panel to assess the operator's health and safety capability "by the time …work is completed," rather than by the time the work is undertaken. This timing misalignment undermines the purpose of the assessment. Assessing an operator's capability at the point of completion of mining work is illogical and impractical. By that stage, the work has already been undertaken, and any deficiencies in capability would have already manifested — potentially with serious consequences. The current wording could also undermine a panel's ability to decline a tier 1 mining permit application if the panel had significant concerns about the capability of the proposed operator to meet the requirements of New Zealand's health and safety legislation.	*When a mining permit must not be granted* The Fast-track clause was based on section 29A(2)(d) of the Crown Minerals Act 1991 (CMA). That section of the CMA provides that, before granting a permit, the Minister must be satisfied— "in the case of a Tier 1 permit for exploration or mining, that the proposed permit operator has, or is highly likely to have, by the time the relevant work in any granted permit is undertaken, the capability and systems that are likely to be required to meet the health and safety and environmental requirements of all specified Acts for the types of activities proposed under the permit;" The CMA test appropriately considers the capability of the operator before work is undertaken. It also uses a higher threshold ("highly likely") compared to the Fast-track's "likely". Aligning the Fast-track provision with the CMA would address the current drafting issue and ensure consistency across related legislation and support robust decision-making by panels.	*When a mining permit must not be granted* Clarify that in the case of an applicant for a Tier 1 permit to mine, the proposed permit operator has or is highly likely to have, by the time the relevant work in any granted permit is undertaken, the capability and systems that are likely to be required to meet the health and safety requirements of all specified Acts (as defined in section 2(1) of the Crown Minerals Act 1991) for the types of activities proposed under the permit.	Yes / No

Ministry for the Environment
Manatū Mō Te Taiao

Briefing: Further technical and machinery amendments to the Fast-track Approvals Act 2024

Date submitted: 12 August 2025
Tracking number: BRF-6672
Sub Security level: In-Confidence
MfE priority: Urgent

Actions sought from Ministers		
Name and position	***Action sought***	***Response by***
To Hon Chris BISHOP **Minister Responsible for RMA Reform**	**Agree** to the recommendations in this briefing	13 August 2025

Actions for Minister's office staff
Return the signed briefing to the Ministry for the Environment (advice@mfe.govt.nz).

Appendices and attachments
1. Proposed additional technical and mechanical amendments to the Fast-track Approvals Act 2024 2. Updated Draft Cabinet paper Note: refused in full under section 18(d) of the Act.

Key contacts at Ministry for the Environment			
Position	***Name***	***Cell phone***	***First contact***
Principal Author	Max Gander-Cooper		
General Manager	Ilana Miller	s 9(2)(a)	✓

Minister's comments

Further technical and machinery amendments to the Fast-track Approvals Act 2024

Key messages

1. On 7 August we proposed a suite of technical and machinery amendments to the Fast-track Approvals Act 2024 (FTAA) to improve system workability and ensure it operates in line with the Act's intent (BRF-6601 refers). This briefing proposes additional technical and workability amendments, reflecting further feedback from system users, for your direction (Appendix 1).

2. We received feedback from 16 system users, including panel convenors, applicants, agents, councils. In light of this, we propose an additional 5 amendments that would further improve the timeliness of decision-making and system workability (Appendix 1). Other suggestions were beyond the scope of 'machinery and technical' changes (i.e. would involve substantial policy shifts) or can be dealt with through operational improvements.

3. We have attached an updated draft Cabinet paper (Appendix 2), which covers the grocery retail sector competition proposals and the technical and machinery amendments (pending your direction). The updated draft incorporates previous feedback received and the proposed further technical and machinery amendments following system user feedback.

4. We seek agreement for you and Hon Willis to undertake Ministerial consultation on the draft Cabinet paper from 13-18 August. This will enable the Cabinet paper to be lodged on 21 August for Cabinet consideration on 25 August.

5. Independent interviews with a select number of users (primarily applicants) will be completed by 19 August 2025. We will provide you with any material findings from these ahead of the Cabinet paper being lodged.

Recommendations

We recommend that you:

a. **indicate** which proposed additional amendments you wish to progress (Appendix 1)

Yes | No

b. **note** feedback was received on a number of operational changes which could be made to improve workability of the system, and MfE will work with the EPA to implement those

Yes | No

c. **agree** to commence Ministerial consultation on the draft Cabinet paper (Appendix 2) on 13 August 2025

Yes | No

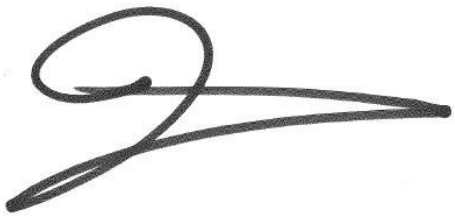
d. **note** we will provide you with an updated draft Cabinet paper annex outlining the technical and machinery amendments to reflect your decisions on BRF-6601 and this briefing, prior to Ministerial consultation

Noted

e. **note** the Ministry of Business, Innovation and Employment (MBIE) has separately provided the draft Cabinet paper to Hon Willis' office

Noted

Signatures



Ilana Miller
General Manager
Investment Strategy and Operations

Hon Chris BISHOP
Minister Responsible for RMA Reform

Date

Further technical and machinery amendments to the Fast-track Approvals Act 2024

Purpose

6. This briefing seeks approval for further proposed technical and machinery amendments to the Fast-track Approvals Act 2024 (FTAA) following targeted testing with system users (Appendix 1).

7. The briefing also seeks agreement to commence Ministerial consultation on an updated draft Cabinet paper (Appendix 2), covering the grocery retail sector competition proposals and the technical and machinery amendments.

Background

8. On 6 August 2025, we provided you with a draft Cabinet paper, *Reducing regulatory barriers to improve supermarket competition and Fast-track Approvals Act 2024 technical amendments*.

9. On 7 August 2025, we provided you with a suite of the proposed technical and machinery amendments (BRF-6601). The amendments covered:

    i Improving decision-making timeframes

    ii System workability improvements to promote clarity and efficiency

    iii Fixing some minor drafting ambiguities or errors in original drafting.

10. On 8 August, we provided your office with an initial draft Annex to the Cabinet paper, including proposed technical and workability amendments to FTAA contained in BRF-6601 pending your decisions.

11. We noted that a further update would be provided on 12 August, containing feedback from system users on potential further technical and workability amendments and an updated draft Cabinet paper.

Analysis and advice

Proposed further amendments in light of system users' feedback

12. We received feedback from 16 system users, including panel convenors, applicants (or applicants' agents), council. The key themes were:

    i the system would benefit from clear guidance from MfE and the EPA about what is expected from applicants, agencies and councils (e.g. what constitutes satisfactory consultation, what councils should comment on, what applications should include)

ii applicants should be able to provide information where required during the referral and substantive completeness checks

iii there should be a mechanism for panel timeframes to be extended where necessary

iv provision of infrastructure to service proposed development projects (by either applicants or councils) is an unresolved pain point in the system.

13. Based on feedback, we propose an additional 5 amendments to further improve the timeliness of decision-making and system workability. These are attached in Appendix 1. We note three of these are likely to be captured by, or require minor wording changes to, amendments proposed in BRF-6601.

Some suggestions have already been addressed, or can be responded to through operational improvements

14. A number of the submissions raised points that we consider are addressed through proposals in the 7 August briefing (BRF-6601), including:

i Providing information during application completeness checks

ii Resolving the inconsistency regarding certificates of compliance

iii Clarifying section 30 requirements only apply to regional councils

iv Running processes in parallel

v Lengthy panel appointment timeframes

vi Panel appointment processes involving non-statutory steps

vii Clarifying the scope of listed projects.

15. Submitters also made suggestions to improve operational efficiency, which would complement legislative amendments. These include guidance on what constitutes appropriate consultation, timeframes for councils to carry out their pre-lodgement functions, and clarifying information local authorities should provide in response to requests for comment. Submitters also made suggestions around when fees are paid during the substantive process, along with improvements to the website and portal.

Some suggestions would go beyond the current machinery or technical scope

16. Some submitters made suggestions that do not align with existing FTAA policy intent. Those suggestions broadly covered:

i adding approval types to a substantive project application, that were not part of the referral application considered by the Minister for Infrastructure

ii implementing a randomised panel member selection process, rather than allowing nominations from councils

iii restricting the involvement of, or removing from the process entirely, adjacent landowners and occupiers, 9(2)(f)(iv)

iv expanding the scope of FTAA to include RMA plan changes and territorial authority boundary adjustments

v Defining what meets the threshold of significant regional benefits.

17. You previously confirmed the scope of the Bill remain limited to grocery retail sector competition, and machinery and technical amendments to streamline the FTAA. Expanding the scope beyond this (including the above matters) would likely require further policy development and risk delaying the Bill.

We have incorporated the proposed further amendments into an updated draft Cabinet paper

18. We have attached an updated draft Cabinet paper (Appendix 2 refers) to this briefing. This version incorporates:

i feedback from you and Minister Willis

ii current proposed technical and machinery amendments, subject to your decisions. We will provide you with an updated Cabinet paper annex reflecting your decisions

iii updates from the Ministry of Business, Innovation and Employment (MBIE) in relation to the Building Authority proposal following initial conversations with councils, including a recommendation seeking agreement to initiate a procurement process.

19. MBIE has separately sent the updated draft Cabinet paper to Hon Willis' Office.

20. We seek agreement to commence Ministerial consultation between 13-18 August 2025. We will carry out agency consultation in parallel to Ministerial consultation. This will enable the Cabinet paper to be lodged on 21 August 2025, before being considered by Cabinet on 25 August 2025.

Te Tiriti analysis

21. The proposals in this briefing do not have Te Tiriti implications.

Other considerations

Consultation and engagement

22. The additional proposals in this briefing are entirely informed by consultation and engagement with system users.

23. Independent interviews are continuing with a narrow selection of users, to be complete by 19 August. We will provide you with any material findings ahead of the final Cabinet paper being lodged on 21 August.

24. Our earlier briefing noted consultation on those proposed amendments with relevant agencies (BRF-6601). Due to time constraints, we have not consulted with administering

agencies on the additional proposals in this briefing. Departmental consultation on the draft Cabinet paper will occur in parallel to Ministerial consultation.

Risks and mitigations

25. As with our proposed amendments (BRF-6601), the implications of these additional amendments have not been fully explored at this stage and there is a risk that they may have unintended consequences. We have consulted with a broad section of system users to capture as many potential consequences as possible and consider that most issues should be identified through a Select Committee process.

26. As noted above, some feedback included matters that are outside the scope of technical and machinery changes. There is a risk of increased correspondence from those groups expecting wider changes. If the scope of the amendments were to be broadened beyond technical and machinery changes, there would be a significant risk that an amendment bill would not be enacted in 2025 as intended.

Legal issues CLASSIFICATION

27. 9(2)(h) [redacted]

Next steps

Milestone	Date
MfE to provide updated Cabinet paper annex on technical and machinery amendments reflecting decisions in BRF-6601 and this briefing	13 August
Ministerial consultation on draft Cabinet paper	13 - 18 August
Independent interviews complete	19 August
Lodgment	21 August
Cabinet consideration	25 August

Ministry for the Environment
Manatū Mō Te Taiao

Appendix 1: Proposed additional technical and mechanical amendments to the Fast-track Approvals Act 2024

Current section	Suggested changes from respondents	Advice	Recommendation	Decision
Improving workability (EPA processes)				
Section 47	EPA requested that section 47(7) be removed to enable the EPA to provide an application to the panel convener before the competing applications check is complete. This would speed up the panel appointment process by giving the convener more time to consider the application prior to the panel appointment step.	MfE agrees with this proposal. This suggested amendment aligns with the proposed amendment in BRF-6601 to enable processes to occur concurrently where possible.	**Amend** the Act to enable the EPA to provide an application to the panel convener before the competing applications check is complete.	Yes / No
Panel convener processes (timeframes and workability)				
Sections 18 & 49	The panel conveners requested that sections 18 and 49 be amended to require the responsible agency to provide the section 18 report before or at the same time as the EPA provides the substantive application to the panel convener. This would speed up the panel appointment process enabling the 10-working day period for preparation of a section 18 report to occur concurrently with the completeness check, rather than after an application is found complete.	MfE agrees with this proposal. This suggested amendment aligns with the proposed amendment in BRF-6601 to enable processes to occur concurrently where possible.	**Amend** the Act to enable the EPA/MfE to provide the panel convener with a section 18 report for listed projects before or at the same time as the EPA provides the application to the panel convener.	Yes / No
Section 79	The panel conveners noted that due to circumstances beyond a panel's control, the timeframe for a panel's decision may prove inadequate. For example: • the death or removal of a panel member • following a period of suspension, the panel or individual members are unavailable when the processing resumes. • 9(2)(g)(i) [redacted]	MfE agrees with the intent of this proposal. It also aligns with comments received from other parties. However, we do not consider this should be at the sole discretion of the panel convener, and should instead be with the agreement of the applicant This suggested amendment aligns with the proposed amendment in BRF-6601 to impose an upper limit on panel timeframes, which could only be exceeded with the agreement of the applicant.	**Amend** the Act to enable the panel convener to extend panel decision timeframes (after the initial timeframe is set) with the agreement of the applicant	Yes / No
Timeframes (process steps)				
Section 30	A respondent requested amending section 30, to include a timeframe for councils to advise applicants about any existing consents over the same resource or space (under section 124C(1)(c) or 165ZI of the Resource Management Act 1991). The respondent considered that without a timeframe, this section could be used to delay projects not favoured by a council.	9(2)(g)(i) [redacted]	9(2)(g)(i) [redacted] **Amend** the Act to impose a statutory timeframe of 10 working days on Councils to respond to requests under section 30	Yes / No Yes / No

Section 79	A respondent noted the substantive application for reconsenting of a renewable energy project had a decision timeframe for the panel set at 80 working days, rather than the default 30. The responded considered that if an application is for the renewal of an existing activity that is for renewable energy, minimum timeframes should apply.	We consider this matter could be addressed in part by the inclusion of an upper limit (e.g. 60 working days) for panel decision timeframes (proposed in BRF-6601). 9(2)(g)(i)	**Note** previous advice (BRF-6601) on panel decision-making timeframes	Noted
Improving workability (process steps)				
Section 14	A respondent requested the Act be amended to enable formal requests for information (RFI) to be sent during the referral completeness check. This would reduce the likelihood of applications being returned as noncompliant due to unclear or incomplete information provided.	MfE agrees with the intent of this proposal. 9(2)(g)(i) We recommend giving effect to it by enabling a 5-working-day suspension of the referral completeness check at the applicant's request. This is consistent with the proposal in BRF-6601 for substantive applications that proposed a 5 working day suspension option for applicants to be added to the process. We consider that an informal RFI for referrals is the preferred way to give effect to this proposal because it can be implemented operationally without requiring lengthy sign-outs or delegations, but there is benefit in amending the Act to make it clear this is enabled.	**Amend** Act to allow the responsible agency to seek further information from applicants on referral applications where necessary AND Include provision for the applicant to request a suspension of the completeness check of up to 5 working days.	Yes / No
Section 21	A respondent noted developments outside the jurisdictional control of the council's boundaries do not pay development contributions or rates but will be reliant on and feed off council infrastructure, absorbing network capacity. The respondent considered the initial screening for eligibility within the FTAA process must have strengthened criteria addressing infrastructure capacity and integration.	MfE recognises this as an issue, but do not agree with the applicant's proposed solution. Projects being misaligned with infrastructure provisions is a consistent message from councils contributing to the FTAA process and goes to the deliverability of a project. While we do not consider this should be an eligibility matter, we consider it could be specified as a reason the Minister may decline. We note the Minister has broad discretion to decline applications for "any other reason", so could decline an application for this reason even if it weren't specified in the Act.	Retain status quo whereby the Minister can decline for "any other reason" (preferred option)	Yes / No
Section 13	A respondent considered the FTAA should contain explicit references to the infrastructure issues concerning affected councils and this must be the subject of pre-consultation.	MfE does not agree with this proposal. Infrastructure capacity is wider issue than FTAA approvals and cannot be solved via a legislative solution. We note MfE could prepare guidance for applicants advising them that they should discuss infrastructure constraints with the relevant councils.	Retain status quo and include matter in pre-consultation guidance.	Yes / No
Section 94	Under section 94(2)(b), applicants must withdraw any existing resource consent applications lodged with a council once their substantive FTAA application is found complete. This can result in applicants—particularly	MfE agrees with the proposal. Under the current process, applicants must withdraw any other lodged applications once their FTAA application is found complete. This can require withdrawal from	**Amend** the Act to only require withdrawal of an existing application for approval under a specified	Yes / No

	for replacement consents—losing the ability to continue exercising an existing approval, as the RMA application must be withdrawn before the s47 competing applications check is complete. A respondent has proposed amending s94(2)(b) so withdrawal is only required once all procedural steps for accepting a substantive application are complete, to avoid applicants withdrawing under the RMA only to then be unable to progress under the FTAA due to competing applications.	local council processes before confirming whether competing applications exist, potentially preventing progression. The proposed change would move the withdrawal requirement from the end of the completeness check to the end of the competing applications check.	Act once the competing applications check is complete.	

Ministry for the Environment
Manatū Mō Te Taiao

Appendix 2: Updated draft Cabinet paper, *Reducing regulatory barriers to improve supermarket competition and Fast-track Approvals Act 2024 technical amendments*

Note: Cabinet paper refused in full under section 18(d) of the Act.

Ministry for the Environment
Manatū Mō Te Taiao

Briefing: Advice on additional amendments for inclusion in the FTAA Amendment Bill

Date submitted: 11 September 2025
Tracking number: BRF-6770
Sub Security level: In-Confidence
MfE priority: Urgent

Actions sought from Ministers		
Name and position	***Action sought***	***Response by***
To Hon Chris BISHOP **Minister Responsible for RMA Reform**	Provide direction in light of options presented in Table (Appendix 1) and feedback from panel conveners on existing amendments (Appendix 2)	16 September 2025

Actions for Minister's office staff

Forward this briefing to:
Hon Shane JONES, Minister for Regional Development
Return the signed briefing to the Ministry for the Environment (advice@mfe.govt.nz).

Appendices and attachments

1. Options table
2. Panel convener feedback on existing technical / machinery amendments

Key contacts at Ministry for the Environment			
Position	***Name***	***Cell phone***	***First contact***
Principal Author	Oliver Sangster		
General Manager	Ilana Miller	s 9(2)(a)	✓

Minister's comments

Key messages

1. Cabinet has agreed to introduce a Fast-track Approvals Act Amendment Bill (the Amendment Bill), for passage s 9(2)(f)(iv) by December 2025, to enable the grocery sector to access the Fast-track Approvals regime to help increase retail competition. The Amendment Bill will also include a suite of technical and machinery amendments to the Fast-track Approvals Act 2024 (FTAA). Cabinet also authorised you, in consultation with the Minister for Regional Development, to approve further 'technical and machinery' amendments for inclusion in the Amendment Bill [CAB-25-MIN-0290].

2. One of the amendments Cabinet agreed was to address the Schedule 2 listed projects description scope issue (identified in the High Court judicial review decision on *Stella Passage Development*[1]). In **Appendix 1**, we have identified proposed amendments. Some of these options represent substantive policy changes that would require Cabinet agreement. s 9(2)(g)(i)

3. As you requested, Appendix 1 also sets out options in response to matters raised from the recent proposed draft decision by an expert panel for the *Delmore Housing Development* project[2]. Many of these options are necessarily substantive in nature and will require Cabinet agreement if pursued in the Amendment Bill. s 9(2)(g)(i)

s 9(2)(h)

7. We will need to work through appropriate transitional provisions to ensure processes in-train prior to commencement are not unduly disrupted by changes. Substantive amendments also increase the risk of delays in the timeframe for enacting the Amendment Bill and enabling grocery sector access to the FTAA to increase grocery retail competition.

[1] CIV-2025-485-375 [2025] NZHC 2453
[2] Delmore - draft decision and conditions | Fast-track website

8. s 9(2)(h) [redacted]

9. **Appendix 1** also includes other matters that have been raised by different sector participants. We have set these issues out for your consideration.

10. Following your meeting with the panel conveners last week, we sought and received feedback on the existing list of technical and machinery amendments (**Appendix 2**). Feedback from the conveners was generally supportive but raised some workability challenges. We recommend that the panel conveners views can be considered through the drafting and Select Committee process (where the wider sector has an opportunity to comment). Alternatively, you may choose to stop work on some of the proposed amendments, in response to their feedback.

11. If you wish to include further substantive changes in this Amendment Bill, we suggest you engage with Minister Willis in her capacity as Acting Minister of Commerce and Consumer Affairs to ensure continued alignment with the grocery retail competition package timeframes.

Recommendations

We recommend that you:

a. **note** that Cabinet agreed to a suite of technical and machinery amendments to the Fast-track Approvals Act 2024, to proceed alongside amendments to support grocery retail competition, to be passed this calendar year

b. **note** we have identified different legislative reform options (in Appendix 1) on wider matters that address:

    a. the Schedule 2 listed project ‘scope’ issue identified in the recent High Court judicial review decision on the *Stella Passage Development* project.

    b. the recent *Delmore Housing Development* expert panel draft decision

    c. other issues raised by sector participants

c. **indicate** which options in Appendix 1 you wish to progress further

d. **note** that including any substantive Fast-track Approvals Act reforms through the current Amendment Bill will require Cabinet approval, and may risk delaying the timeframe that Ministers have announced in respect of the grocery retail competition amendments

e. **note** panel conveners feedback on the technical and machinery amendments already agreed by Cabinet (Appendix 2)

f. s 9(2)(g)(i) [redacted]

h. **forward** this briefing to the Minister for Regional Development to confirm agreement on the issues and options outlined in this briefing.

Signatures

Ilana Miller
General Manager
Investment Strategy & Operations
11 September 2025

Hon Chris BISHOP
Minister Responsible for RMA Reform

Date

Advice on additional amendments for the FTAA Amendment Bill

Purpose

12. This briefing seeks your direction on possible additional amendment options for inclusion in the Fast-track Approvals Act Amendment Bill, which is proceeding s 9(2)(f)(iv) with a truncated Select Committee process to enable enactment before the end of 2025.

Background

An agreed Fast-track Approvals Act Amendment Bill to be enacted before the end of 2025

13. In early August:

    i you agreed with Minister Willis, in her capacity as Acting Minister of Commerce and Consumer Affairs, that the FTAA would be amended to provide greater certainty that the grocery retail sector can access the fast-track process (BRF-6599 refers), and

    ii you agreed that a suite of technical and machinery FTAA amendments would also proceed alongside the grocery retail competition related amendments (BRF-6001 / BRF-6672), as a wider scope would likely require further policy development and risk delaying the Amendment Bill (BRF-6001).

14. Cabinet subsequently agreed these amendments on 25 August [CAB-25-MIN-0250], for an Amendment Bill to pass before the end of this year. On 27 August, Minister Willis announced the grocery retail competition amendments and the end-of-year timeline (as part of a wider package supporting grocery retail competition).

15. You have delegated approvals, with Hon Minister Jones in his capacity as the Minister for Regional Development, to agree further amendments in advance of the Amendment Bill introduction [CAB-25-MIN-0250]. However, Cabinet's agreed scope for this is "technical and machinery amendments", in line with previous overarching policy decisions reflected in the original 2024 Fast-track Approvals Bill process and passage through Parliament.

s 9(2)(h)

s 9(2)(g)(i)

Other issues raised through consultation with Ministers and other sector participants

19. Through engaging with panel conveners and other sector participants, we have identified a small number of new issues beyond those already identified and agreed by Cabinet. As you have been authorised, in consultation with Minister Jones, to approve additional technical and machinery amendments to be added to the Amendment Bill, we have set these out in this paper for your consideration and direction.

Panel convener feedback on existing technical and machinery amendments

20. On 3 September, as agreed at your meeting with the panel convener's we sent them the list of technical and machinery amendments Cabinet has agreed to. We received their feedback on 9 September (Appendix 2), which expressed:

    i support or no comment for many of the amendments

    ii specific feedback to promote the workability of some amendments s 9(2)(g)(i)

Analysis and advice

Advice on new matters – Appendix 1

21. We have set out options, for your consideration and direction, on the above subjects in Appendix 1. Each option outlines the suggested outcome sought, specific proposal, pros and cons. Advice on the Stella Passage Development and Delmore Housing Development matters is set out s 9(2)(g)(i)

s 9(2)(g)(i)

Te Tiriti analysis

25. FTAA contains general provisions requiring functions to be exercised in a manner that is consistent with obligations under existing Treaty settlements (under section 7), and individual projects (both listed and referred) are subject to section 18 reports by the responsible agency. These aspects of the FTAA process are not proposed to be amended.

26. We have not undertaken any consultation or engagement, including with Treaty partners, on any of the proposed options outlined. s 9(2)(g)(i) complete.

27. The Amendment Bill is already subject to a truncated process (including a very short Select Committee process to support workability of grocery retail competition and technical and machinery amendments). Adding further amendments that substantially change FTAA policy settings (including decision-making arrangements) may raise challenges from Treaty partners, such as through the Select Committee process.

Other considerations

Consultation and engagement

28. s 9(2)(g)(i) [redacted]

29. We have been working jointly with Ministry of Business, Innovation and Employment (MBIE) on overall Amendment Bill development in their capacity as supporting the Associate Minister for Commerce and Consumer Affairs on the grocery retail competition package. However, we have not consulted with them on these specific options. If you were to consider proceeding with wider amendments, we recommend you discuss the process going forward with Minister Willis.

s 9(2)(h) [redacted]

s 9(2)(h) [redacted]

s 9(2)(h)

Financial, regulatory and legislative implications

38. There are no financial implications.

39. As noted above, any amendments that go beyond ‘technical or machinery’ would be beyond your existing joint delegation scope (with Minister Jones), so would require further Cabinet agreement if amendments are considered.

40. For the previously agreed grocery retail competition and technical/machinery amendments, we obtained an exemption from undertaking RIA from the Ministry for Regulation on the grounds that the economic, social or environmental impacts of the proposals were limited and easy to assess. Any more substantive amendments, particularly those that impact on decision-making arrangements and roles under the FTAA, may require a separate RIA.

41. Regulations to amend existing project descriptions (if you opt to amend the FTAA to enable that) would be able to be made after the Amendment Bill passes.

Next steps

42. We will discuss this advice at the weekly officials’ meeting on 16 September and take your direction on which option(s) outlined in the table you wish to progress.

43. We also recommend you share this briefing with Minister Jones. Decisions on any ‘technical or machinery’ amendments need to be made jointly with him under the delegation from Cabinet.

44. If you wish to progress any wider amendments (beyond technical and machinery), we can provide you with further advice on process and timeline implications.

45. As a reminder, the current milestones we are working to for Bill introduction and progress (including a truncated Select Committee process) are as follows:

s 9(2)(f)(iv)

s 9(2)(f)(iv)

Appendix 1 – Options table

Appendix 2: Feedback from panel conveners

Appendix 2 is withheld in full under s9(2)(g)(i).

Topic no.1	Options	MfE Analysis	Minister's decisions
Amend project descriptions and providing more certainty for Stella Passage Project Option A will minimise drafting complexity under current Bill timeframe Options A & B for this topic fit within the existing Ministerial delegation from Cabinet.	**Option A:** **Amend FTAA to provide more flexibility to depart from Schedule 2 project description, provide more certainty for Stella Passage Project) and a new <u>narrow</u> regulation-making power to amend project descriptions (<u>limited to errors</u>)** 1. Amend FTAA to allow EPA and Panels to consider other information that was considered during the preparation of Schedule 2 (e.g. applications for projects to be listed, Fast-Track Projects Advisory Group (FTPAG) report) **AND** 2. Amend Stella Passage project description and location in Schedule 2. **AND** 3. Amend FTAA to provide a regulation making power to amend Schedule 2 project descriptions and locations, <u>to correct errors</u> in reflecting original project descriptions provided to	<u>Pros</u> • Supports Stella Passage application and Expert Panel consideration. • Clarifies Schedule 2 project descriptions are not exhaustive and allows Panels to consider information beyond the short Schedule 2 project description. • Regulation making power allows for a more extensive review of potential drafting errors in all 'listed project descriptions' if needed. <u>Cons</u> • s 9(2)(g)(i) • The "other information" Panels can consider will be limited to project information known at the time of the creation of Schedule 2	**Yes / No**

	Ministers (e.g. exclusion of Mt Maunganui wharf).	• s 9(2)(g)(i) [redacted] • Is limited to fixing errors in Schedule 2 project descriptions and locations and will not accommodate other changes in listed projects (which could be minor, or reasonable).	
	Option B: **Same as Option A above, but with a <u>broader regulation making power</u> to amend project descriptions (<u>not</u> limited to errors)** 4. Amend FTAA to allow EPA and Panels to consider other information that was considered during the preparation of Schedule 2 (e.g. applications for projects to be listed, FTPAG report) **AND** 5. Amend Stella Passage project description and location in Schedule 2. **AND** 6. A new regulation making power to amend Schedule 2 project	<u>Pros</u> Allows greater ability to reflect changes to projects since the original application to have a project included on the list was submitted. • s 9(2)(g)(i) [redacted] <u>Cons</u> • Similar cons identified for Option A (other than limiting the fixes to errors) • s 9(2)(h) [redacted]	**Yes / No**

	descriptions and locations; <u>not limited to errors, but subject to constraining criteria</u>, (for example): a. the project must still deliver significant quantifiable regional or national benefits consistent with the benefits of the project as originally described b. the applicant must still have legal authority to carry out the project (including access to the land) c. the amendment to the description must not materially change the nature of the project	s 9(2)(h) [redacted] • May encourage 'listed project' applicants to seek rolling amendments to Schedule 2 as their projects or circumstances change.	
	s 9(2)(g)(i) [redacted]	[redacted]	**Yes / No**


s 9(2)(g)(i)

		s 9(2)(g)(i) [redacted]	

Topic no.2	Options	MfE Analysis	Minister's decisions

Clarify in the FTAA that 'listed projects' have met the threshold for significant regional or national benefits Options A & B for this topic fit within the existing Ministerial delegation from Cabinet. Options A and B could be progressed together or individually. Option B offers less certainty than Option A and could involve complex drafting of the GPS depending on scope.	**Option A:** **Amend the FTAA to remove procedural confusion between determining if a project has regionally or national benefits, and balancing the level of that benefit against identified adverse impacts** 9. Amend the FTAA to clarify that listed projects <u>have</u> 'significant regional or national benefits' and still maintain the panel's function to consider whether those adverse impacts are sufficiently significant to be out of proportion to the level of benefit. s 9(2)(g)(i) [redacted]	<u>Pros</u> • Reflects intended different roles for Executive, Parliament and Panels in the Act and provides some certainty to applicants • Ensures applicants provide evidence on the level of significant regional or national benefits to the panel and focuses the Panel on the balancing test. • Regulations will not impact on legislative timetable for Amendment Bill or Groceries GPS. s 9(2)(g)(i) [redacted]	**Yes / No**

		s 9(2)(g)(i)	
	s 9(2)(g)(i)		s 9(2)(g)(i)


s 9(2)(g)(i)
s 9(2)(g)(i)

	provide the standard for Panels to [redacted]	s 9(2)(g)(i) [redacted]	

Topic no.3	Options	MfE Analysis	Minister's decisions
s 9(2)(g)(i) [redacted]			

Panel decision-making – other matters	**Option A:** s 9(2)(g)(i) **consideration/decisions on infrastructure issues** s 9(2)(g)(i) 14. Clarify that approval can be conditional on subsequent satisfactory approach to infrastructure provision. **N.B.** Current proposed technical and machinery amendments will also provide the ability to progress projects in stages under FTAA. So, panel approvals and conditions could apply to project stages.	Pros • Prevents projects being declined on the basis of infrastructure constraints and makes it a matter for resolution between Councils and applicants. Cons • In practice, will not solve the issue in situations where there are significant barriers to project viability such as compliance with other legislation or funding issues for infrastructure. • s 9(2)(g)(i) • May result in approved projects which are never delivered or never realise their benefits. • s 9(2)(h) • May be a negative outcome for applicants, who could end up with a consent that cannot practically be used. • s 9(2)(g)(i)	**Yes / No** **Yes / No**


s 9(2)(g)(i)

		• s 9(2)(g)(i)	
	s 9(2)(g)(i)		

		• s 9(2)(g)(i)	
	s 9(2)(g)(i)		

Topic no.4 – Other matters	Options	Analysis	Minister's decisions
Improving process efficiency by defining 'relevant portfolio Ministers' that must be invited to comment on applications **(Recommended)** This proposal fits within the existing Ministerial delegation from Cabinet.	20. Amend FTAA to include a definition of "relevant portfolio Minister" **NB:** Minister Bishop has agreed to this amendment (BRF-6601 refers) but not included in Cabinet paper Annex (administrative error).	<u>Pros</u> • Improves process efficiency through consistent determinations about which Ministers must be consulted • Reduces the risk of omitting important Ministerial input, over-consulting unnecessarily, and generating delays or procedural inefficiencies • The Minister for Infrastructure and expert panels will still retain the option to invite comment from other Ministers, if they consider that justified in the circumstances case-by-case. <u>Cons</u> • Overly prescriptive definition or list may result in redundant portfolios being referred to.	**Yes / No**
s 9(2)(g)(i)	[redacted]	[redacted]	[redacted]


s 9(2)(g)(i)


s 9(2)(g)(i)
s 9(2)(g)(i)

MINISTRY OF BUSINESS, INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI

Ministry for the Environment
Manatū Mō Te Taiao

BRIEFING

Fast-track Approvals Amendment Bill – Minor amendments to mining permitting

Date:	19 September 2025	**Priority:**	High
Security classification:	In Confidence	**Tracking number:**	BRIEFING-REQ-0021215 BRF-6871

Action sought		
	Action sought	**Deadline**
Hon Chis Bishop **Minister Responsible for RMA Reform**	**Agree** to amend the test for granting a mining permit under the Fast-track Approvals Act 2024 to clarify when a mining permit can be granted to the holder of an exploration permit or existing privilege in relation to their deposit, regardless of whether the deposit was discovered through activities carried out under those exploration permits or existing privileges.	24 September 2025
Hon Shane Jones **Minister for Regional Development** **Minister for Resources**		

Contact for telephone discussion (if required)			
Name	**Position**	**Telephone**	**1st contact**
Lena MacCarthy	Manager, Resource Policy, MBIE	s 9(2)(a)	✓
Suzanne Doig	Acting General Manager, Investment Strategy & Operations, MfE	s 9(2)(a)	
Harry Smith	Senior Policy Advisor, Resource Policy	s 9(2)(a)	

The following departments/agencies have been consulted
Ministry for the Environment (MfE).

Minister's office to complete:

- ☐ Approved
- ☐ Noted
- ☐ Seen
- ☐ See Minister's Notes
- ☐ Declined
- ☐ Needs change
- ☐ Overtaken by Events
- ☐ Withdrawn

Comments

BRIEFING

Fast-track Approvals Amendment Bill – Minor amendments to mining permitting

Date:	22 September 2025	**Priority:**	High
Security classification:	In Confidence	**Tracking number:**	BRIEFING-REQ-0021215 BRF-6871

Purpose

You have been authorised to take further decisions on technical or machinery amendments to the Fast-track Approvals Act 2025 (the FTAA) [CAB-25-MIN-0290 refers]. This briefing seeks your agreement to amend the FTAA to clarify when the holder of an existing privilege which authorises mining a deposit, or an exploration permit, can be granted a mining permit in relation to that deposit. This would clarify that the deposit does not need to have been discovered as a result of activities authorised by the existing privilege or exploration permit.

Recommended action

The Ministry of Business, Innovation and Employment recommends that you:

a **Note** that Cabinet has agreed to amend the Fast-track Approvals Act 2024 and has authorised the Minister Responsible for RMA Reform and Minister for Regional Development to take further decisions on the technical or machinery amendments to be included in the draft Bill prior to introduction [CAB-25-MIN-0290 refers].

Noted

b **Note** that officials have identified that the test for granting a mining permit under the Fast-track Approvals Act 2024 may not be workable in some instances.

Noted

c **Agree** to amend the test for granting a mining permit under the Fast-track Approvals Act 2024 to clarify when a mining permit can be granted to the holder of an exploration permit or existing privilege in relation to their deposit, regardless of whether the deposit was discovered through activities carried out under those exploration permits or existing privileges.

Agree / Disagree

Recommendations continue next page.

d **Authorise** officials to instruct the PCO to give effect to the above decision.

Agree / Disagree

Suzanne Doig
Acting General Manager, Investment Strategy and Operations, Partnerships, Investments and Enablement, MfE

22 / 09 / 2025

Hon Chris Bishop
Minister Responsible for RMA Reform

..... / ..... / .....

Lena MacCarthy
Manager, Resource Policy
Building, Resources and Markets, MBIE

19 / 09 / 2025

Hon Shane Jones
Minister for Regional Development
Minister for Resources

..... / ..... / .....

Background

1. Cabinet has agreed to amend the Fast-track Approvals Act 2024 (the FTAA) and has authorised the Minister Responsible for RMA Reform and Minister for Regional Development to take further decisions on technical or machinery amendments [CAB-25-MIN-0290 refers].

2. Cabinet has already agreed to a minor amendment to correct a drafting error in Schedule 11, clause 20(1)(f) of the FTAA, which relates to the granting of mining permits [CAB-25-SUB-0290, CAB-25-MIN-0290 refers].[1]

We recommend a minor legislative change to the permitting pathway

3. The intention of the mining permitting pathway under the FTAA is to enable exploration permit or existing privilege holders to apply for, and convert, their permit or privilege to a mining permit when there is a deposit present that is capable of being mined effectively and economically. Existing privileges are authorisations to mine a deposit from legislation preceding the Crown Minerals Act 1991.

4. Schedule 11, section 20(1) of the FTAA requires that the expert panel must not grant a mining permit unless the panel is satisfied that the deposit for which the mining permit is sought was discovered as a result of activities authorised by exploration permits or existing privileges. The intention of this test is to reject applications which have not done enough to identify a deposit as defined under the FTAA.[2]

5. s 9(2)(h) [redacted]

6. s 9(2)(b)(ii) [redacted]

7. We recommend amending the FTAA to clarify when the holder of an existing privilege which authorises mining, or an exploration permit, can be granted a mining permit in relation to the deposit. This would clarify that the deposit does not need to have been discovered as a result of activities authorised by the current exploration permit or existing privilege. The applicant would still need to show there is a viable deposit to obtain a mining permit.

8. We propose the panel must not grant the permit unless the panel is satisfied that the deposit for which the mining permit is sought occurs within the land covered by the exploration permits or existing privileges referred to in section 42(11).

9. A transitional provision will be included if necessary to clarify that the amended test applies in respect of applications lodged prior to the new legislation coming into force.

Next steps

10. If you agree to progress this change, officials will instruct the Parliamentary Counsel Office to include the proposed amendment in the forthcoming Fast-track Approvals Amendment Bill.

[1] This amendment clarifies that in the case of an applicant for a Tier 1 permit to mine, the proposed permit operator has or is highly likely to have, by the time the relevant work in any granted permit is undertaken, the capability and systems that are likely to be required to meet the health and safety requirements of all specified Acts (as defined in section 2(1) of the Crown Minerals Act 1991) for the types of activities proposed under the permit, to reflect the original drafting intent.
[2] A concentration or an accumulation that is capable of being mined effectively and economically.