



Ministry for the
Environment
Manatū Mō Te Taiao

PROACTIVE RELEASE COVERSHEET

Minister	Hon Nicola Willis	Portfolio	Acting Minister of Commerce and Consumer Affairs
Minister	Hon Chris Bishop	Portfolio	Minister Responsible for RMA Reform Minister for Infrastructure
Minister	Hon Shane Jones	Portfolio	Minister for Regional Development
Minister	Hon Chris Penk	Portfolio	Minister for Building and Construction
Name of package	Fast-track Approvals Amendment Bill Introduction: Approval for Introduction; Grocery Competition Government Policy Statement, and MultiProof Amendment Regulations: Authorisation to submit to the Executive Council	Date to be published	2/04/2026

List of documents that have been proactively released

Date	Title	Author(s)
30 October 2025	Cabinet paper: Fast-track Approvals Amendment Bill Introduction: Approval for Introduction; Grocery Competition Government Policy Statement, and MultiProof Amendment Regulations: Authorisation to submit to the Executive Council	Office of the Acting Minister of Commerce and Consumer Affairs Office of the Minister Responsible for RMA Reform Office of the Minister for Regional Development Office of the Minister for Building and Construction
23 October 2025	Cabinet paper Annex one: Fast-track Approvals Amendment Bill (final version of Bill publicly available on the legislation website)	Parliamentary Counsel Office
23 October 2025	Cabinet paper Annex two: Departmental disclosure statement (publicly available on the legislation website)	Ministry for the Environment
24 October 2025	Cabinet paper Annex three: Draft Government policy statement on	Office of the Acting Minister of Commerce and Consumer Affairs

	grocery competition (publicly available on the Beehive website)	Office of the Minister Responsible for RMA Reform
23 October 2025	Cabinet paper Annex four: Multiproof regulations (publicly available on the legislation website)	Parliamentary Counsel Office
3 November 2025	Report of the Cabinet Business Committee: Period Ended 31 October 2025: CAB-25-MIN-0388	Cabinet
3 November 2025	Cabinet Minute of decision: CAB-25-MIN-0389	Cabinet

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:

- maintain the confidentiality of advice tendered by Ministers and officials.

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Office of the Acting Minister of Commerce and Consumer Affairs

Office of the Minister for Infrastructure

Office of the Minister Responsible for RMA Reform

Office of the Minister for Regional Development

Office of the Minister for Building and Construction

Chair, Cabinet Business Committee

Fast-track Approvals Amendment Bill: Approval for Introduction; Grocery Competition Government Policy Statement; and MultiProof Amendment Regulations: Authorisation to submit to the Executive Council

Proposal

- 1 This paper seeks:
 - 1.1 approval to introduce the Fast-track Approvals Amendment Bill (the Bill), intended to proceed expeditiously through Parliament for enactment in December 2025
 - 1.2 authorisation for the Minister Responsible for RMA Reform, in consultation with the Acting Minister of Commerce and Consumer Affairs and the Minister for Regional Development, to finalise the draft Bill for introduction
 - 1.3 agreement that the attached draft Government Policy Statement on improving competition in the retail grocery market sector (Grocery GPS) states the Government's policies about the regional or national benefits of certain grocery infrastructure and developments
 - 1.4 authorisation for the Minister for Infrastructure, in consultation with the Acting Minister of Commerce and Consumer Affairs, to make any changes to the Grocery GPS consistent with the general policy intent, as may be required. This will enable the Minister for Infrastructure to issue the final GPS when the Bill is enacted and comes into force
 - 1.5 authorisation for submission to the Executive Council of the *Building (National Multiple-use Approval) Amendment Regulations 2025*, which will enable grocery developments to use the MultiProof approvals regime.

Relation to government priorities

- 2 The Bill contains legislative amendments to boost productivity and living standards through improving competition in the retail grocery market sector. The proposals advance a key action in the Government's Going for Growth agenda. This also relates to the coalition agreement commitment between National and New Zealand First to explore options improving grocery sector competition.
- 3 Ensuring the Fast-track Approvals Act 2024 (FTAA) is operationally and procedurally efficient supports the Government's economic growth plan, by helping accelerate

infrastructure and development projects that deliver significant regional and national economic benefits.

Executive Summary

- 4 To help reduce regulatory barriers to greater competition in the retail grocery sector, Cabinet approved policy proposals to [CAB-25-MIN-0290 refers]:
 - 4.1 clarify grocery developers' eligibility for Fast-track approval processes and empowering the creation of a GPS which decision-makers must consider (set out in attached Bill)
 - 4.2 enable grocery developments to use the MultiProof approvals regime (attached for approval).
- 5 Cabinet also invited the Acting Minister for Commerce and Consumer Affairs and the Minister Responsible for RMA Reform to report back on a grocery specific GPS in late 2025 [CAB-25-MIN-0290 refers]. A draft Grocery GPS is attached. Authorisation is sought for the Minister for Infrastructure, in consultation with the Acting Minister of Commerce and Consumer Affairs, to make any amendments consistent with the general policy intent of the GPS. The Minister for Infrastructure will then be able to issue the final grocery GPS once the Bill comes into force, without returning to Cabinet.
- 6 Cabinet also authorised the Minister Responsible for RMA Reform and the Minister for Regional Development to further develop 'technical and machinery' changes to the FTAA beyond those for grocery competition [CAB-25-MIN-0290 refers]. The cumulative effect of these changes is more meaningful than 'technical amendments' might suggest, and addresses many of the operational and implementation challenges identified through the system's bedding in. Collectively, the decisions agreed to in August 2025 and those set out in this paper are expected to:
 - 6.1 **Speed up decision-making.** The changes are expected to take at least six weeks (and potentially more in some cases) out of the current statutorily prescribed processes
 - 6.2 **Reduce unnecessary litigation and delay on some matters:**
 - 6.2.1 clarifying that projects listed in the Act are of national or regional significance, which will focus panels on whether any adverse impacts are out of proportion to the benefits (which applicants will still need to provide information on)
 - 6.2.2 reducing scope for legal challenge by allowing for reasonable modifications to the descriptions of projects listed in Schedule 2 of the FTAA
 - 6.3 **Reduce costs and improve flexibility for applicants:**
 - 6.3.1 requiring comments from Ministers, councils and agencies to be directly relevant to the process step at hand (which will also reduce work for agencies and the panels)
 - 6.3.2 reducing the scope for rejection on procedural grounds. For example, allowing part of a substantive application to be withdrawn, and the process to pause to address incomplete information (rather than rejecting applications)

- 6.4 **Reduce the risk that infrastructure shortfalls will hold up consenting** by clarifying that approval can be given, conditional on subsequent infrastructure provision
- 6.5 **Allow the Minister for Infrastructure to give general directions to the Environmental Protection Authority (EPA)** in relation to fast-track functions.
- 7 We propose the Bill will be introduced on 3 November 2025 and proceed expeditiously through Parliament to ensure enactment by the end of December 2025. This will include four weeks for Select Committee consideration of the Bill.
- 8 The Bill may still require further changes to finalise it for introduction to Parliament. Authorisation is sought for the Minister Responsible for RMA Reform, in consultation with the Acting Minister of Commerce and Consumer Affairs and the Minister for Regional Development, to approve those changes if required.
- 9 Changes to the eligibility criteria for MultiProof through the proposed Building (National Multiple-use Approval) Amendment Regulations 2025 will come into effect on 14 December 2025.

Background

- 10 As part of the work to reduce regulatory barriers to improve grocery sector competition, on 25 August 2025, Cabinet approved a series of policy proposals which included clarifying grocery developers' eligibility for Fast-track approval processes and speeding up building consent processes by amending the eligibility criteria for the MultiProof approvals regime [CAB-25-MIN-0290 refers].
- 11 Building on the experience to date with the operation of the Fast-track Approvals system generally, the Minister Responsible for RMA Reform and the Minister for Regional Development were also authorised to further develop 'technical and machinery' changes to the FTAA that would improve efficiency and clarity of approval processes under the FTAA [CAB-25-MIN-0290 refers].
- 12 s 9(2)(f)(iv) [REDACTED] The Bill will be binding on the Crown.

Clarifying grocery developers' eligibility for Fast-track approval processes and enabling the creation of government policy statements (GPSs)

- 13 In terms of amendments to the FTAA, Cabinet [CAB-25-MIN-0290 refers] has agreed to:
- 13.1 set out that improving grocery sector competition at a regional or national level is a matter that the Minister for Infrastructure may consider when referring a grocery retail project
- 13.2 ensure that an expert panel must have regard to the Minister's reasons for referring any project including in grocery retail or wider industries
- 13.3 empower the creation of government policy statements (GPSs) that decision makers are to consider as part of determining the regional or national significance of a project

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- 13.4 require the Minister and expert panel to consider any GPS issued in their decisions.
- 14 These policy decisions are reflected in the Bill. We note, as agreed by Cabinet, the empowering provisions for GPSs under the FTAA will also enable GPSs to be issued for other sectors in the future, such as energy projects.

Progressing the Draft Grocery GPS for formal issuing once the Bill is enacted and comes into force

- 15 A draft Grocery GPS is attached, which outlines the Government's objectives on improving competition in New Zealand's grocery sector under the FTAA.
- 16 The Acting Minister of Commerce and Consumer Affairs, the Minister Responsible for RMA Reform, and the Minister for Infrastructure are seeking Cabinet's agreement that the draft GPS states the Government's policies on the regional or national benefits of potential grocery infrastructure or development projects under the FTAA.
- 17 Authorisation is sought for the Minister for Infrastructure, in consultation with the Acting Minister of Commerce and Consumer Affairs, to approve final amendments to the GPS staying within the general policy intent. This will enable the Minister for Infrastructure to issue the draft grocery GPS once the enacted Bill comes into force and without returning to Cabinet.
- 18 The draft grocery GPS will support decision makers when considering grocery applications under the FTAA and provides a roadmap for prospective grocery developers when submitting their proposals.
- 19 The draft grocery GPS makes the following key points:
- 19.1 competition improvements in groceries are a priority for the Government to increase choice and value for consumers
 - 19.2 the Government is focused on enduring improvements to grocery competition, that benefit consumers across the country in the long term, rather than just the localised benefits of individual projects in the short term
 - 19.3 the Government is particularly focused on supporting businesses which have the potential to grow at a national or regional scale, and that will make the market less concentrated
 - 19.4 projects that could be positive for competition in groceries may take different forms – for example, new retail businesses, or distribution or wholesaling infrastructure. Applicants will need to have well-evidenced details for projects they propose.
- 20 The draft grocery GPS provides examples of types of projects that may meet the Government's objectives, including new competitor chains, grocery infrastructure of different forms, new and innovative business models, multi-region developments, and multiple developments within the same region. This list is not exhaustive, and the draft grocery GPS ensures that decision makers are still free to exercise their discretion when making decisions under the FTAA.
- 21 The draft grocery GPS does not keep the major incumbents from accessing Fast-track approvals but does signal to decision makers that there will likely be limited

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circumstances where incumbents meet the Government's objectives to improve competition in the grocery sector.

Enabling grocery developments to use the MultiProof approvals regime

- 22 MultiProof allows the Ministry of Business, Innovation and Employment (MBIE) to pre-approve standardised building designs for compliance with the Building Code, speeding up the building consenting process by allowing Building Consent Authorities (BCAs) to focus on assessing site-specific factors (for example, foundations and retaining walls). Building consents are still required for each build, but BCAs must process consents with a MultiProof certificate within ten working days, rather than the standard 20 days.
- 23 The *Building (National Multiple-use Approval) Regulations 2011* prescribe the eligibility criteria that applicants must meet for a multiple-use approval. The current eligibility criteria require applicants to have the intention and ability to build a design at least ten times over two years. This requirement is too restrictive, limiting its availability and uptake.
- 24 On 25 August 2025 Cabinet agreed to amend the eligibility criteria, to support both grocery developments and developments in other sectors with more streamlined building consenting [CAB-25-MIN-0290 refers].
- 25 *The Building (National Multiple-use Approval) Amendment Regulations 2025* give effect to Cabinet's decisions by:
- 25.1 removing the requirement that buildings be reproduced at least ten times in two years
 - 25.2 enabling a person to apply with the intention of making those plans available to others (instead of reproducing buildings themselves).

Additional technical and machinery changes to improve workability and efficiency of the FTAA

- 26 Not all decisions under the FTAA are being made as quickly as expected and some costs are higher than anticipated. There are also operational and procedural changes that will support continued efforts to reduce the time and costs for applicants and other parties involved.
- 27 Therefore, Cabinet agreed to amend the FTAA with technical and machinery changes for improving efficiency and clarity of FTAA processes. The aim of these changes is to continue to build confidence for prospective applicants and investors, in line with the FTAA's intent. This will further promote the FTAA's purpose of facilitating projects with significant national and regional benefits and support broader economic growth.
- 28 These policy decisions are reflected in various clauses throughout the Bill, and can generally be grouped into the following themes:
- 28.1 Improving the timeliness of decision-making.
 - 28.2 System workability improvements to promote clarity and efficiency.

28.3 Fixing minor drafting anomalies.

- 29 As a package, these amendments would deliver meaningful improvements in how the Act is operationalised, aligning implementation more closely with the Government's expectations for the regime. Because the amendments do not alter the underlying policy settings, they are expected to progress efficiently through the House, supporting timely delivery on the Government's commitments for 2025.
- 30 We anticipate these changes will reduce decision-making timeframes by **over six weeks** across the combined substantive and referral processes. The proposals to streamline and clarify processes may also generate further time savings by enabling officials in the system to work more efficiently where they are not bound by a statutory clock.
- 31 We anticipate that the reduction of time and complexity in the system will reduce costs to applicants associated with agency feedback, panel appointments, and resubmission of applications. We also note that the speed of the regime continues to rely on applicants also being well prepared and well engaged in the process.

Specific legislative amendments to address issues identified in recent Judicial and Panel decisions

- 32 Litigation is common as legislative reforms are tested, and panel or court interpretations are established. While we are observing some approvals from the expert panel for Schedule 2 listed projects, two recent decisions are of particular interest: namely the High Court judicial review decision in the *Stella Passage Development* application [*Ngāti Kuku Hapu Trust v Environmental Protection Agency [2025] NZHC 2453*], and the expert panel's draft decision to decline approval of the *Delmore Housing Development* application (this application was ultimately withdrawn).
- 33 We consider the proposed amendments in response to these decisions to be consistent with the 'technical and machinery' nature of other proposals in the Bill. But as they are responding to judicial and expert panel decisions, we are bringing these proposals to Cabinet's attention and seeking agreement.

Stella Passage Development

- 34 The High Court in the *Stella Passage Development* judicial review found that the project description for the project in Schedule 2 was determinative, and that the part of the *Stella Passage* project omitted from the project's description in Schedule 2 was not within scope of the project for panel processes. The Court found that the EPA could not consider any other information that would potentially have expanded the scope of the project beyond the project description in Schedule 2. Officials have confirmed that the omission in the project descriptions in Schedule 2 was an unintended error.
- 35 Given the speed of the Schedule 2 development when the FTAA was created, there may be other minor or unintentional errors affecting listed projects and therefore subverting the Government's intention when listing those projects. Further, projects may naturally evolve from when they were first considered for listing in 2024 to when they are ready for substantive lodgement. We have therefore approved the following legislative proposals for inclusion in the Bill:

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- 35.1 allow the Environmental Protection Authority and Panels to consider other information that was considered during the preparation of Schedule 2 (eg, applications for projects to be listed, and the Fast-track Projects Advisory Group report) to determine the correct scope of a relevant application.
- 35.2 amend the specific Stella Passage Development project description and location in Schedule 2 to resolve the issue raised by the High Court and allow the project to proceed through the Panel consideration process.
- 35.3 create a regulation making power for the Government to amend other project descriptions in Schedule 2 to account for reasonable modifications, but still ensuring that the applicant and the project is not materially changed and continues to deliver regional or national benefits consistent with the project as originally approved by Parliament.

Delmore Housing Development

- 36 In the *Delmore Housing Development* panel draft decision, the expert panel found that fundamental adverse impacts had not been adequately addressed. In particular, the uncertainty of relevant water services infrastructure for the housing development was considered too challenging to have the resolution of these issues as a condition of any possible approval. The panel also found the project's regional benefits were overstated and that the adverse impacts outweighed these benefits, and the project did not meet the purpose of the FTAA.
- 37 We consider that panels should be focused on assessing whether identified adverse impacts outweigh the level of regional or national benefit, rather than relitigating whether these projects have any regional or national benefit at all. Additionally, we want to signal to panels that they should consider a more pragmatic approach to infrastructure concerns that leaves the implementation risks of projects with their proponents, where they belong. We have therefore approved the following legislative proposals for inclusion in the Bill:
 - 37.1 clarify that listed projects in Schedule 2 have 'significant regional or national benefits', while still maintaining the panel's function to consider whether identified adverse impacts are 'sufficiently significant' to be out of proportion to the level of benefit.
 - 37.2 make it clear that panels can approve projects on the condition that applicants resolve outstanding infrastructure provision with the relevant local authorities (rather than the simply declining approval as we saw with *Delmore*). These conditions would then be met agreements between the approval holder and infrastructure providers after the Fast-track approval is granted.

Additional amendments

- 38 We are also seeking further agreement on the following amendments:

Clarification of required Ministerial consultation

- 39 The FTAA currently requires undefined 'relevant portfolio Ministers' to be invited to comment on fast-track applications. This uncertainty can lead to inconsistent and inefficient consultation in practice and sometimes associated additional costs to applicants.

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- 40 The Bill introduces a definition of ‘relevant portfolio Minister’ to provide the Minister for Infrastructure and expert panels clearer guidance on which Ministers must be invited to comment on applications – this includes Ministers with a direct portfolio interest in the project type (for example, the Minister for Energy in relation to a renewable electricity development) or the type of approval (for example, the Minister of Conservation in relation to concessions). This definition does not name all potentially relevant Ministers, as relevant portfolio titles may change over time. However, it will be applied as appropriate on a case-by-case basis by the Minister for Infrastructure and expert panels.

Clarification of provisions relating to mining permits

- 41 Expert panels considering mining permit applications are currently required to be satisfied that the mineral deposit was discovered because of activities authorised by the exploration permits, or existing privileges, referred to in the relevant section of the FTAA. But in some cases, mineral deposits were discovered at an earlier time (eg, under previous permits or regimes), rather than discovered during the period in which the current exploration permits or privileges are active.
- 42 We have therefore approved the following legislative proposals for inclusion in the Bill:
- 42.1 remove the requirement that the expert panel be satisfied that the deposit for which the mining permit is sought was discovered as a result of activities authorised by the exploration permits or existing privileges referred to in section 42(11) of the FTAA
- 42.2 replace that with a requirement that the expert panel be satisfied that the deposit occurs within the area of land for which the approval is sought.

Pre-lodgement engagement requirements

- 43 The FTAA requires applicants to consult with certain parties ahead of lodging their referral application or substantive application for a listed project (under sections 11 and 29 respectively). This requirement is ambiguous, risks process delays as opposing parties stall engagement, and creates uncertainty for applicants and decision-makers in determining application completeness.
- 44 To address this, the Bill replaces this requirement with a clearer notification requirement. This includes a timeframe for the parties to respond to a notification by the applicant, before the applicant lodges the application. This period is proposed as 20 working days but may be subject to consideration by Select Committee.
- 45 Irrespective of the above new notification requirement, applicants will retain the discretion to undertake longer consultation with any other parties they choose ahead of lodgement to assist with compiling their applications. Applicants would also still be required to set out how they have or have not addressed any parties feedback in their application, to assist the expert panel assessment.
- 46 To further reduce delays, relevant amendments will ensure that, regarding this subject, the responsible agency (Ministry for the Environment) and EPA will only confirm compliance with the notification, timeframes, and feedback response requirements in assessing application completeness and will not be assessing the quality of the consultation or response. As these are issues best left for the Minister and expert panel.

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- 47 To preserve rights provided for under the Marine and Coastal Area (Takutai Moana) Act 2011, and the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, this amendment will not apply to groups identified under sections 11(1)(c) and (d). Existing pre-lodgement consultation requirements with those groups will remain, for projects located in areas affected by those Acts.

Panel invitations to comment

- 48 The FTAA specifies certain parties must be invited to comment on applications, but expert panels can also invite others under section 53(3). Concerns have been raised that Parliament's intention regarding participation in the FTAA process is being undermined by a lack of clarity regarding the expert panel's ability to invite other parties to participate in their process. Section 53(3) FTAA gives no further guidance than "*comments may be invited from any other person the panel considers appropriate*". This can lead to additional participants and wide-ranging unfocused submissions that further delay processes and increase associated costs. In our view, panels should only use their discretionary invitation power when they consider that a comment from an additional person or organisation is necessary to better understand an aspect of the project application or adverse impact.
- 49 To achieve this, we propose amendments to create the following process for expert panels to exercise this discretionary power:
- 49.1 the panel should first seek the views of councils and administering agencies, to determine if the issue is something these organisations would be able to comment on, and if not, who would be better placed to provide those comments
- 49.2 when inviting comment from an additional person or organisation under 53(3), that invitation should be limited to the topics that cannot be addressed by councils or administering agencies.

Points of law appeal provisions

- 50 As discussed above, the FTAA requires comments to be sought on referral and substantive applications from specified parties, while offering discretion to the Minister for Infrastructure and expert panels to seek comments from any other parties to inform their decision if they wish.
- 51 Currently, any party that responds to the Minister's or panel's invitation to comment is afforded the right to appeal the final decision to the High Court on a point of law, whether that party was required to be invited to comment or not. In our view, only those parties that the Act specifies must be invited to comment (and do so) should be able to appeal the expert panel's decision on a point of law, as the discretionary invitation to comment on an application should not automatically extend to the right to appeal a point of law. The Bill clarifies this.

Clarification of regulation-making power to cost recovery

- 52 We accept that these large-scale development projects can be complicated and require some work from local authorities and agencies. However, as the applicant meets the cost of this work we also want to ensure that local authorities and agencies are staying within 'actual and reasonable costs' and being disciplined on ensuring that their contributions are focused on assisting the panels with relevant information or views.

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- 53 Providing guidance on issues such as costs and fees is a complex issue that requires regular review and updating as processes and fiscal environments change. Accordingly, we consider that regulations are a better way of providing this type of guidance to local authorities and agencies contributing to the FTAA process. We therefore recommend that the Bill include amendments to sections 104 and 108 FTAA to provide the Executive with the ability to make regulations for processes to assist agencies and parties to determine 'actual and reasonable costs' and resolve disputes between parties if they occur.
- 54 The amendment for this regulation-making power may not be in the draft Bill attached to the Cabinet paper. However, it will be included in the introduction version and can be further tested through the Select Committee process.

Cost-of-living Implications

- 55 A more competitive grocery sector would reduce the cost of living by supporting consumer access to more reasonably priced groceries. Stats NZ data shows that, after housing, food is the second-largest part of household spending.

Financial Implications

- 56 The proposals in this Bill do not have financial implications for the Crown. The technical amendments proposed should reduce the costs of the scheme to applicants and to agencies, but as the latter is cost-recovered from applicants, this is fiscally neutral.

Impact analysis

Regulatory Impact Statement

- 57 The Ministry for Regulation determined that the policy proposals agreed by Cabinet in August 2025, and reflected in the Bill and the *Building (National Multiple-use Approval) Amendment Regulations 2025*, are exempt from the requirement to provide a Regulatory Impact Statement on the grounds that the economic, social or environmental impacts are limited and easy to assess.
- 58 Due to time constraints, no further Regulatory Impact Statement has been able to be undertaken on the additional proposals agreed by Ministers for inclusion in the Bill, and the Ministry for Regulation has not been consulted on this.

Climate Implications of Policy Assessment

- 59 Climate Implications of Policy Assessment (CIPA) requirements do not apply to the proposals in this paper.

Population Implications

- 60 There are no population implications arising from this paper.

Human Rights

- 61 There are no human rights implications from proposals in this paper.

Treaty of Waitangi

- 62 Te Puni Kōkiri commented that overall, the Amendment Bill may impact the way Te Tiriti o Waitangi/Treaty of Waitangi obligations or Treaty settlements are dealt with under the FTAA. Replacing pre-application consultation with a requirement to notify will reduce the quality engagement and the opportunity for Post-settlement Governance Entities, and others listed in section 11, to have input prior to lodgement of applications. However, the Minister for Infrastructure and expert panels will still be obliged to make decisions in a manner consistent with Treaty settlement obligations and recognised customary rights (under section 7). To help inform this, comments must still be invited from these groups during the application process.

Consultation

- 63 The Environmental Protection Authority, Heritage New Zealand, Te Puni Kōkiri, Te Tari Whakatau, Commerce Commission, Department of Internal Affairs, Department of Conservation, Ministry for Culture & Heritage, Ministry of Foreign Affairs and Trade, Ministry of Transport, Ministry for Housing and Urban Development, Ministry for Primary Industries, Ministry of Regulation, Public Service Commission, and the Treasury have been consulted. The Department of Prime Minister and Cabinet has been informed.
- 64 Te Tari Whakatau commented that it does not have any concerns about the proposed amendment about pre-lodgement engagement, provided the 20 working day period is not further compressed.
- 65 Targeted consultation has occurred with a number of Fast-track approvals system users to inform the proposed technical and machinery amendments. This includes applicants, the panel convenor, administering agencies (including the Department of Conservation, Ministry for the Environment, and Heritage NZ), Ministry for Primary Industries, Te Tari Whakatau, Te Puni Kōkiri, and councils.

Binding on the Crown

- 66 Consistent with the Cabinet Policy paper [CAB-25-MIN-0290], once the Bill is enacted and the resulting Act in force, it will be binding on the Crown.

Creating new agencies or amending law relating to existing agencies.

- 67 Some amendments in the Bill will have implications for the EPA operationally – for example, a new power for the Minister to give directions to the EPA in relation to functions, duties and powers under the FTAA. But the changes do not fundamentally alter the structure, role or powers of the Crown Agency.
- 68 The Bill also removes the Ministry for the Environment and the Ministry for Culture and Heritage from the required agency consultation provisions in the FTAA.

Allocation of decision-making powers

- 69 While some amendments in the Bill will have operational implications for the Panel Convenors and the Panels, these changes do not fundamentally alter the role or the decision-making powers currently under the FTAA.

Associated regulations

- 70 While some new regulations will be designed to support the policy outcomes reflected in the Bill, they are not required for the Bill to come into force following enactment.
- 71 A new regulation making power is proposed to allow the Executive to amend project descriptions in Schedule 2 to account for reasonable modifications, but still ensuring that the applicant and the project is not materially changed and continues to deliver regional or national benefits consistent with the project as originally approved by Parliament. The amended regulation-making power regarding cost recovery will allow for detailed policy options regarding actual and reasonable costs, and dispute resolution, to be explored in future, including the option of using regulations if necessary.

Commencement of legislation

- 72 The FTA Amendment Bill is intended to have the following commencement and savings provisions to ensure workability of implementation:
- 72.1 amendments that do not require system changes (eg, the grocery-competition related amendments) will come into force on the day after the date of Royal assent
- 72.2 for amendments that require post-enactment updates to systems and processes to implement, there will be a deferred commencement to 9 February 2026
- 72.3 savings provisions will ensure that applications or processes under the FTAA in-train at the time of commencement, will be appropriately accommodated and parties are not detrimentally affected. For example, approvals conditional on resolving infrastructure issues will be allowed for applications that are in process but not yet been decided by an expert panel.
- 73 These complex provisions are still in development and may be added into the version of the Bill that is introduced or at Select Committee.

Parliamentary stages

- 74 It is recommended that the Bill be introduced on 3 November 2025, proceed expeditiously, and be enacted by end of December 2025. This is to ensure that the Government's priority for the Grocery GPS is met, and referrals can be made for the Fast-track Approvals process in 2026.
- 75 It is proposed that this Bill be referred to the Environment Select Committee for a period of **four weeks**. The expedited timeframe for a Bill of this size and complexity carries a risk that some policy and legal issues are not identified or fully tested before enactment.

Timing and 28-day rule

- 76 The Minister for Building and Construction proposes that, subject to Executive Council agreement, the *Building (National Multiple-use Approval) Amendment Regulations 2025* (the Regulations) come into effect on 14 December 2025.

Compliance

- 77 The Regulations comply with:
- 77.1 the principles of the Treaty of Waitangi
 - 77.2 the rights and freedoms contained in the *New Zealand Bill of Rights Act 1990* or the *Human Rights Act 1993*
 - 77.3 the principles and guidelines set out in the *Privacy Act 2020*
 - 77.4 relevant international standards and obligations
 - 77.5 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.

Regulations Review Committee

- 78 The Minister for Building and Construction does not consider there are any grounds for the Regulations Review Committee to draw the Regulations to the attention of the House of Representatives under Standing Order 327.

Certification by Parliamentary Counsel

- 79 The Regulations were prepared and certified by the Parliamentary Counsel Office as being in order for submission to Cabinet.

Communications

- 80 A press release is planned for 3 November 2025 to align with the Bill's anticipated introduction.

Proactive Release

- 81 We intend to proactively release this paper within 30 days of decisions being confirmed by Cabinet, subject to redaction as appropriate under the Official Information Act 1982.

Recommendations

The Minister Responsible for RMA Reform, Acting Minister of Commerce and Consumer Affairs, and the Minister for Regional Development recommend that the Cabinet Business Committee:

- 1 s 9(2)(f)(iv)
- 2 **note** that the expedited timeframe means that the Bill will have fewer iterations than usual for a Bill of this size and complexity, which carries a risk that some policy and legal issues are not identified before enactment
- 3 **note** that the Bill will;
 - 3.1 clarify grocery developers' eligibility for Fast-track approval processes[CAB-25-MIN-0290 refers]

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- 3.2 provide a range of 'technical and machinery' changes that would improve efficiency and clarity FTAA processes [CAB-25-MIN-0290 refers]

The Acting Minister of Commerce and Consumer Affairs, the Minister Responsible for RMA Reform, and the Minister for Infrastructure recommend that the Cabinet Business Committee:

- 4 **note** that officials have developed the attached draft Government Policy Statement on grocery competition outlining the Government's objectives on improving competition in New Zealand's grocery sector under the FTAA
- 5 **agree** that the draft Government Policy Statement on grocery competition states the Government's policies about the regional or national benefits of certain grocery infrastructure and developments
- 6 **authorise** the Minister for Infrastructure, in consultation with the Acting Minister of Commerce and Consumer Affairs, to make any minor amendments to the draft Government Policy Statement in line with the general policy intent, as may be required
- 7 **note** the Minister for Infrastructure intends to issue the draft Government Policy Statement on grocery competition once the Bill receives Royal assent in mid-December 2025

The Minister Responsible for RMA Reform and the Minister for Regional Development recommend that the Cabinet Business Committee:

- 8 **note** that as authorised by Cabinet [CAB-25-MIN-0290 refers], the Minister Responsible for RMA Reform and the Minister for Regional Development have further developed technical and machinery amendments that cumulatively will speed up decision-making by at least 6 weeks (and potentially more in some cases)
- 9 **agree** that in addition to the areas listed in the previous Cabinet policy paper, the Bill also include amendments to:
 - 9.1 reduce unnecessary litigation and delay on some matters related to listed projects in Schedule 2 of the FTAA, including:
 - 9.1.1 allowing the Environmental Protection Authority and Panels to consider other project information that was considered during the preparation of Schedule 2
 - 9.1.2 amending the Stella passage project description and location in Schedule 2 to address the unintended error in the project description
 - 9.1.3 allowing for reasonable modifications to project descriptions by Order in Council, while still ensuring that the applicant and the project is not materially changed and continues to deliver regional or national benefits consistent with the project as originally approved by Parliament
 - 9.1.4 clarifying that Schedule 2 listed projects have 'significant regional or national benefits'
 - 9.2 reduce the risk that infrastructure shortfalls will hold up consenting by clarifying that approval can be given, conditional on subsequent infrastructure provision

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- 9.3 provide clearer guidance on which Ministers must be invited to comment on applications
- 9.4 clarify for mining permit applications that the expert panel be satisfied that the deposit for which the mining permit is sought is in the land to which any of the exploration permits or existing privileges referred to in section 42(11) of the FTAA apply
- 9.5 remove the requirement that the deposit was discovered as a result of activities authorised by the exploration permits or existing privileges referred to in section 42(11) of the FTAA
- 9.6 clarify the pre-lodgement consultation requirements for referral applications, and substantive applications for listed projects, with a requirement for applicants to notify the relevant groups identified in section 11 (other than the groups listed in section 11(1)(c) and (d)), and provide a statutory period to enable (not require) those notified to provide feedback to prospective applicants before lodgement
- 9.7 ensure that Ministry for the Environment and the Environmental Protection Authority limit their 'completeness' assessment (sections 14 and 46) to compliance and not a substantive assessment of the quality of the consultation
- 9.8 ensure that expert panels undertake the following process in exercising this discretionary power to invite comments under section 53(3):
 - 9.8.1 when considering the use of this discretionary power, the panel should first seek the views of councils and administering agencies to determine if the issue is something these organisations would be able to comment on, and if not, who would be better placed to provide those comments
 - 9.8.2 when issuing an invitation to an additional person or organisation to provide comment, that invitation should be limited to the topics that cannot be addressed by councils or administering agencies
- 9.9 only provide points of law appeal rights to parties that the FTAA specifies must be invited to comment on applications (not others that may be invited at the decision-maker's discretion) and who have provided comments on the relevant application
- 9.10 amend the FTAA to ensure that cost recovery regulations can be made to assist agencies and parties to determine 'actual and reasonable' costs and resolve disputes if they occur

The Minister Responsible for RMA Reform, the Acting Minister of Commerce and Consumer Affairs, and the Minister for Regional Development recommend that the Cabinet Business Committee:

- 10 **approve** the Fast-track Approvals Amendment Bill for introduction, subject to the final approval of the government caucus and sufficient support in the House of Representatives
- 11 **agree** that the Bill be introduced on 3 November 2025
- 12 **agree** that the government propose that the Bill be:

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- 12.1 referred to the Environmental Select Committee for a period of four weeks to consider the Bill
- 12.2 enacted by end of December 2025
- 13 **authorise** the Minister Responsible for RMA Reform, in consultation with the Acting Minister of Commerce and Consumer Affairs and the Minister for Regional Development, to further clarify and develop policy matters relating to the proposals in this Cabinet paper in a manner not inconsistent with the policy recommendations contained in the paper up until the Bill is introduced
- 14 **authorise** the Minister Responsible for RMA Reform, in consultation with relevant Ministers, to further clarify and develop policy matters in the Bill to ensure overall workability in response to submissions through the Select Committee process and feedback received ahead of the enactment of the Bill

The Acting Minister of Commerce and Consumer Affairs, and the Minister for Building and Construction recommends Cabinet Business Committee:

- 15 **note** that, on 25 August 2025, Cabinet agreed to amend the *Building (National Multiple-use Approval) Regulations 2011* to:
- 15.1 remove the requirement that buildings be reproduced at least ten times in two years
- 15.2 amend the requirement that the chief executive be satisfied that the applicant has the intention and ability to reproduce buildings so that the chief executive must be satisfied the applicant or others (if an applicant intends to make the plans available to others), must have the intention or ability to reproduce buildings
- 16 **agree** that the *Building (National Multiple-use Approval) Amendment Regulations 2025* will give effect to the decision referred to in recommendation 15 above by amending the prescribed criteria so that the chief executive has to be satisfied that the applicant has either the intention and ability to reproduce buildings, or, the intention for another person or persons to reproduce buildings, based on the proposed plans and specifications
- 17 **authorise** the submission to the Executive Council of the *Building (National Multiple-use Approval) Amendment Regulations 2025*
- 18 **note** that the *Building (National Multiple-use Approval) Amendment Regulations 2025* will come into force on 14 December 2025.

Authorised for lodgement

Hon Nicola Willis
Acting Minister of Commerce and Consumer Affairs

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Hon Chris Bishop
Minister for Infrastructure
Minister Responsible for RMA Reform

Hon Shane Jones
Minister for Regional Development

Hon Chris Penk
Minister for Building and Construction

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Cabinet

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Report of the Cabinet Business Committee: Period Ended 31 October 2025

On 3 November 2025, Cabinet made the following decisions on the work of the Cabinet Business Committee for the period ended 25 October 2025:

CBC-25-MIN-0059	Fast-track Approvals Amendment Bill Introduction, Grocery Competition Government Policy Statement, and MultiProof Amendment Regulations Portfolios: Commerce and Consumer Affairs (Acting: Hon Nicola Willis) / Infrastructure / RMA Reform / Regional Development / Building and Construction	Separate minute: CAB-25-MIN-0389
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Out of Scope	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]
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Rachel Hayward
Secretary of the Cabinet



Cabinet

Minute of Decision

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Fast-track Approvals Amendment Bill Introduction, Grocery Competition Government Policy Statement, and MultiProof Amendment Regulations

Portfolio Commerce and Consumer Affairs / Infrastructure / RMA Reform / Regional Development / Building and Construction

On 3 November 2025, following reference from the Cabinet Business Committee, Cabinet:

- 1 s 9(2)(f)(iv)
- 2 **noted** that the expedited timeframe means that the Bill will have fewer iterations than usual for a Bill of this size and complexity, which carries a risk that some policy and legal issues are not identified before enactment;
- 3 **noted** that the Bill will:
 - 3.1 clarify grocery developers' eligibility for Fast-track approval processes [CAB-25-MIN-0290];
 - 3.2 provide a range of 'technical and machinery' changes that would improve efficiency and clarity of Fast-track Approvals Act (FTAA) processes [CAB-25-MIN-0290].

Government Policy Statement on Grocery Competition

- 4 **noted** that officials have developed a draft Government Policy Statement on grocery competition outlining the Government's objectives on improving competition in New Zealand's grocery sector under the FTAA;
- 5 **agreed** that the draft Government Policy Statement on grocery competition states the Government's policies about the regional or national benefits of certain grocery infrastructure and developments;
- 6 **authorised** the Minister for Infrastructure, in consultation with the Acting Minister of Commerce and Consumer Affairs, to make any minor amendments to the draft Government Policy Statement in line with the general policy intent, as may be required;
- 7 **noted** that the Minister for Infrastructure intends to issue the draft Government Policy Statement attached to the paper under CAB-25-SUB-0389 on grocery competition once the Bill receives Royal assent, expected in mid-December 2025;

Fast-track Approvals Amendment Bill

- 8 **noted** that as authorised by Cabinet [CAB-25-MIN-0290], the Minister Responsible for RMA Reform and the Minister for Regional Development have further developed technical and machinery amendments that, cumulatively, will speed up decision-making by at least six weeks (and potentially more in some cases);
- 9 **agreed** that in addition to the areas listed in the previous Cabinet policy paper under CAB-25-SUB-0290, the Bill also include amendments to:
- 9.1 reduce unnecessary litigation and delay on some matters related to listed projects in Schedule 2 of the FTAA, including:
 - 9.1.1 allowing the Environmental Protection Authority and Panels to consider other project information that was considered during the preparation of Schedule 2;
 - 9.1.2 amending the Stella passage project description and location in Schedule 2 to address the unintended error in the project description;
 - 9.1.3 allowing for reasonable modifications to project descriptions by Order in Council, while still ensuring that the applicant and the project is not materially changed and continues to deliver regional or national benefits consistent with the project as originally approved by Parliament;
 - 9.1.4 clarifying that Schedule 2 listed projects have ‘significant regional or national benefits’;
 - 9.2 reduce the risk that infrastructure shortfalls will hold up consenting by clarifying that approval can be given, conditional on subsequent infrastructure provision;
 - 9.3 provide clearer guidance on which Ministers must be invited to comment on applications;
 - 9.4 clarify for mining permit applications that the expert panel be satisfied that the deposit for which the mining permit is sought is in the land to which any of the exploration permits or existing privileges referred to in section 42(11) of the FTAA apply;
 - 9.5 remove the requirement that the deposit was discovered as a result of activities authorised by the exploration permits or existing privileges referred to in section 42(11) of the FTAA;
 - 9.6 clarify the pre-lodgement consultation requirements for referral applications, and substantive applications for listed projects, with a requirement for applicants to notify the relevant groups identified in section 11 (other than the groups listed in section 11(1)(c) and (d)), and provide a statutory period to enable (not require) those notified to provide feedback to prospective applicants before lodgement;
 - 9.7 ensure that the Ministry for the Environment and the Environmental Protection Authority limit their ‘completeness’ assessment (sections 14 and 46) to compliance and not a substantive assessment of the quality of the consultation;
 - 9.8 ensure that expert panels undertake the following process in exercising this discretionary power to invite comments under section 53(3):

- 9.8.1 when considering the use of this discretionary power, the panel should first seek the views of councils and administering agencies to determine if the issue is something these organisations would be able to comment on, and if not, who would be better placed to provide those comments;
- 9.8.2 when issuing an invitation to an additional person or organisation to provide comment, that invitation should be limited to the topics that cannot be addressed by councils or administering agencies;
- 9.9 only provide points of law appeal rights to parties that the FTAA specifies must be invited to comment on applications (not others that may be invited at the decision-maker's discretion) and who have provided comments on the relevant application;
- 9.10 amend the FTAA to ensure that cost recovery regulations can be made to assist agencies and parties to determine 'actual and reasonable' costs and resolve disputes if they occur;
- 10 **approved** the Fast-track Approvals Amendment Bill [PCO 28322/9.0] for introduction, subject to the final approval of the government caucuses and sufficient support in the House of Representatives;
- 11 **agreed** that the Bill be introduced on 3 November 2025;
- 12 **agreed** that the Government propose that the Bill be:
- 12.1 referred to the Environment Select Committee for a period of four weeks;
- 12.2 enacted by end of December 2025;
- 13 **authorised** the Minister Responsible for RMA Reform, in consultation with the Acting Minister of Commerce and Consumer Affairs and the Minister for Regional Development, to further clarify and develop policy matters relating to the proposals in the paper under CAB-25-SUB-0389 in a manner not inconsistent with the policy recommendations contained in the paper, up until the Bill is introduced;
- 14 **authorised** the Minister Responsible for RMA Reform and the Minister for Resources, in consultation with relevant Ministers, to further clarify and develop policy matters in the Bill to ensure overall workability in response to submissions through the select committee process and feedback received ahead of the enactment of the Bill;

MultiProof Amendment Regulations

- 15 **noted** that, in August 2025, Cabinet agreed to amend the Building (National Multiple-use Approval) Regulations 2011 to:
- 15.1 remove the requirement that buildings be reproduced at least ten times in two years;
- 15.2 amend the requirement that the chief executive be satisfied that the applicant has the intention and ability to reproduce buildings so that the chief executive must be satisfied the applicant or others (if an applicant intends to make the plans available to others), must have the intention or ability to reproduce buildings;

- 16 **agreed** that the Building (National Multiple-use Approval) Amendment Regulations 2025 will give effect to the decision referred to in paragraph 15 above by amending the prescribed criteria so that the chief executive has to be satisfied that the applicant has either the intention and ability to reproduce buildings, or, the intention for another person or persons to reproduce buildings, based on the proposed plans and specifications;
- 17 **authorised** the submission to the Executive Council of the Building (National Multiple-use Approval) Amendment Regulations 2025 [PCO 28389/2.0];
- 18 **noted** that the Building (National Multiple-use Approval) Amendment Regulations 2025 will come into force on 14 December 2025.

Rachel Hayward
Secretary of the Cabinet