



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	Date to be published	ASAP

List of documents that have been proactively released

Date	Title	Author
21 August 2025	Cabinet paper: Reducing regulatory barriers to improve grocery competition and Fast-track Approvals Act 2024 technical amendment	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
21 August 2025	Cabinet paper Annex one – Details on Existing FTAA arrangements	As above
21 August 2025	Cabinet paper Annex two – proposed FTAA technical and machinery amendments	As above
25 August 2025	Cabinet Minute of decision: CAB-25-MIN-0290	Cabinet

Information redacted YES

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Summary of reasons for redaction

Some information has been withheld from the above documents to:

- 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 professional legal privilege.

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

Chair, Cabinet

Reducing regulatory barriers to improve grocery competition and Fast-track Approvals Act 2024 technical amendments

Proposal

- 1 This paper provides an update on work underway to improve competition in the retail grocery market and seeks decisions on:
 - 1.1 proposals for streamlining land and building consenting regulatory approval processes, including proposals to provide greater certainty that grocery retail participants are able to access the streamlined decision-making under the Fast-track Approvals Act 2024 (FTAA); and
 - 1.2 additional general technical changes to improve workability and efficiency of the FTAA 2024 arrangements.

Relation to government priorities

- 2 The proposals in this paper boost productivity and living standards through improving competition in this key sector. The Government has committed to announce next steps to improve supermarket competition through the Q3 Action Plan. The proposals advance a key action in the Competitive Business Settings pillar of the Government's Going for Growth agenda.
- 3 They also relate to the coalition agreement commitment between the New Zealand National Party and New Zealand First relating to exploring options for improving competition in the grocery sector.

Executive Summary

- 4 On 21 July 2025, Cabinet agreed to progressing three workstreams – enforcement, regulatory and structural – to address the issues identified in the recent Request for Information (RFI) on barriers to entry and growth in the New Zealand grocery sector [CAB-25-MIN-0236 refers].
- 5 This paper seeks agreement to proposals to reduce regulatory barriers in land use, planning, and building consenting. To make entry and growth of retailers easier and more attractive, we are proposing a package of complementary changes that will:
 - 5.1 clarify grocery sector participants are able to access the Fast-track approval processes by amending the FTAA and adding a power to issue a Government Policy Statement (GPS) on grocery competition under the FTAA;

- 5.2 enable grocery developments to use the MultiProof approvals regime; and
 - 5.3 provide for a centralised and consistent building consenting process where a single Building Consent Authority (BCA) agrees to deliver a consistent building consenting service nationwide for all grocery developments that would enable competition nationally or regionally. Eligible grocery developers would have the option to use either the single BCA, or the relevant local BCA.
- 6 For potential grocery developers, for example like Costco, these proposed changes would mean a clearer and faster pathway through land use and building consenting processes, making it easier to establish new stores and expand operations in New Zealand’s grocery sector.
- 7 This paper addresses a core part of the regulatory workstream set out in July. Further papers will be brought to Cabinet in coming weeks with updates on the enforcement and structural workstreams.
- 8 This paper also seeks agreement to technical and machinery changes to the FTAA to improve the FTAA's overall workability, reduce timeframes and reduce costs in the fast-track system. These changes are in line with the policy intent and purpose of the FTAA and are expected to speed up the process by over 6 weeks across the combined referral and substantive processes.

Background

- 9 Competition in the retail grocery sector is continuing to fall short for consumers [CAB-25-MIN-0075 and CAB-25-MIN-0236 refers]. The Commerce Commission’s most recent Annual Grocery Report found that New Zealand consumers continue to spend more on groceries than their Australian and UK counterparts, with grocery expenditure per capita in New Zealand the fifth highest in the OECD.
- 10 On 21 July 2025, Cabinet approved a work programme intended to address the submissions received from the RFI held between March and May 2025 [CAB-25-MIN-0236 refers]. Work is being progressed on:
- 10.1 **Enforcement:** investigating changes to fair trading and competition legislation to deter anti-competitive behaviour and promote the interests of consumers;
 - 10.2 **Regulatory:** reducing regulatory barriers to make entry and growth of retailers easier and more attractive; and
 - 10.3 **Structural:** investigating the costs, benefits, and risks of restructuring the incumbent retailers in order to promote competition.
- 11 This paper details progress and proposals for decision on the work focused on reducing regulatory barriers.

12 s 9(2)(f)(iv) [Redacted text block]

Proposals for streamlining land and building consenting regulatory approval processes

- 13 **§ 9(2)(b)(ii)** [Redacted]
- 14 These issues have been a focus of further work since Cabinet’s last discussion on 21 July. To address the issues raised we now seek agreement to the following package:
 - 14.1 **Clarifying grocery sector participants are able to access Fast-track approval processes** by amending the FTAA, including the addition of a power to issue a GPS on grocery competition under the FTAA; and
 - 14.2 **Streamlining building consenting processes for grocery developments** by amending the eligibility criteria for MultiProof approvals to remove restrictions on its use and providing for a centralised building consenting process where a single BCA agrees to deliver a nationwide, consistent service.

- 15 **§ 9(2)(b)(ii)** [Redacted]

Clarifying grocery developers’ eligibility for Fast-track approval processes

- 16 The FTAA was enacted in December 2024 to create a streamlined approvals regime for infrastructure, housing and development projects with significant regional or national benefits. Applications have been open since 7 February 2025. There are two stages of decision making under the FTAA:
 - 16.1 the referral stage, where the Minister for Infrastructure (the Minister) decides whether to refer a project for consideration by an expert panel. The FTAA sets out the Minister must assess whether an infrastructure or development project would have significant regional or national benefits. This is informed by a range of factors, specified in the FTAA, which the Minister may and must take into consideration; and
 - 16.2 the substantive stage, where the expert panel decides whether to approve a project (subject to any reasonable conditions), or decline in limited circumstances.
- 17 An overview of the current FTAA approval process is provided in Annex One.
- 18 The FTAA approval process is particularly suited to significant grocery developments (such as a Costco) where resource consent and zoning matters need to be worked through. This is because the FTAA allows resource consents to be more efficiently considered on sites that do not align with the underlying zoning in place. Infrastructure related matters may also be dealt with at the same time on a case-by-case basis, depending on the nature of the issues requiring resolution. The Fast-track process can help facilitate engagement between applicants and local authorities on infrastructure

matters. Expert panels may in some circumstances use resource consent conditions to support infrastructure funding.

- 19 Grocery retailers are not excluded from applying. However, grocery retailers have advised—via the RFI and other channels, that the absence of explicit references to grocery competition creates uncertainty that their projects will be eligible.
- 20 The proposals below share elements with the New Zealand Initiative’s supermarket reform bill, which aimed to fast-track grocery retail developments. However, after review, it was concluded that many of the suggested legislative changes are unnecessary, as the existing Fast-track process already addresses key concerns for new grocery entrants, such as facilitating an engagement on infrastructure provision.

We seek agreement to the explicit inclusion of grocery competition in the FTAA

- 21 Hon Willis and Hon Bishop propose two amendments to the FTAA that would improve certainty in the Fast-track approvals process for prospective grocery applicants:
 - 21.1 The first change would explicitly clarify that improving regional or national competition in the grocery sector specifically is a matter that the Minister for Infrastructure may consider when determining whether a project would have significant regional or national benefits and whether to refer the project to an expert panel; and
 - 21.2 The second change would make explicit that the expert panel must have regard to the Minister’s full set of reasons for making the referral, including those in relation to grocery retail competition, when making its substantive decision. This change applies to all types of projects, not just grocery retail projects.
- 22 These changes maintain the existing two-step decision making arrangements, with the Minister responsible for the referral decision and the expert panel as decision maker on whether to grant or decline a proposal.
- 23 These proposed amendments do not change who can apply under the FTAA. They clarify that the overall effects of grocery competition are a factor for consideration by the Minister and the expert panel (should the Minister consider it). This enables decision makers to consider each project on its own individual merits.

We propose amending the FTAA to issue a Government Policy Statement setting out our position on grocery competition

- 24 In addition to the clarifications proposed above, Hon Willis and Hon Bishop propose to:
 - 24.1 empower the Government to issue a GPS under the FTAA, which the Minister and expert panels would need to consider as part of determining the regional or national significance of a project; and
 - 24.2 issue a GPS which sets out the Government’s position on grocery competition, and how this can be supported.

- 25 In anticipation of the provision being enacted we recommend officials develop a draft GPS on grocery competition under the FTAA. The GPS would specify that improving grocery retail competition is a matter of national or regional significance. The GPS will be drafted in parallel to the legislative changes being progressed through the House and we will report back on the development of the GPS in late-2025.
- 26 The proposed GPS is a complementary measure to the proposed changes outlined above.
- 27 In practice the proposed GPS will improve certainty over access to FTAA processes for prospective grocery competitors by providing detail of how grocery operations may be nationally or regionally significant. This aims to help investors have confidence that their proposals are able to meet the test for significant regional or national benefits in the FTAA.
- 28 General policy statements in the FTAA currently are referred to as one factor a referring Minister may consider. Our proposals would require both the referring Minister and expert panel to consider the GPS in decision-making under the FTAA are not made a more formalised part of the FTAA process for panel consideration.
- 29 The empowering provisions for GPSs under the FTAA will also enable GPSs to be issued for other sectors, such as energy projects, specifying what is a matter of national or regional significance.

Streamlining building consenting processes for grocery developments

- 30 We propose to provide for a centralised and consistent building consenting process to streamline the experience for grocery developments across New Zealand.
- 31 The RFI identified that building consenting processes can add substantial time, cost and uncertainty for grocery developments. In particular, respondents highlighted that dealing with multiple consenting authorities increases uncertainty and compliance costs for nationwide developers.
- 32 New Zealand has 68 BCAs that process building consents, inspect building work, and issue code compliance certificates. As each BCA has different processes and requirements, this increases uncertainty and compliance costs for nationwide developers.
- 33 Minister Penk is leading substantial work to streamline the building consenting system and make it easier to build at scale and pace, with greater consistency in processes and decisions. However, this will not address building consenting issues raised through the RFI in the short term.

We propose to offer pre-approved consents for standardised building designs through MBIE's MultiProof

- 34 MultiProof allows MBIE to pre-approve standardised building designs for compliance with the Building Code, speeding up the building consenting process by allowing 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 10 working days, rather than the standard 20 days.

- 35 MultiProof approvals are particularly useful for builders and companies using standardised and repeatable building designs, which could be the case for grocery developments. However, the current eligibility criteria for MultiProof in the Building (National Multiple-use Approval) Regulations 2011 requires applicants to have the intention and ability to build a design at least ten times over two years.
- 36 This requirement is too restrictive, limiting MultiProof's availability to some builders and developers. Hon Willis and Hon Penk are seeking agreement to amend this criterion to remove the requirement to build a design at least 10 times over two years, while retaining the intent of the scheme to support a quick consent process for standardised building designs.
- 37 Hon Penk is also proposing to remove the requirement for the applicant to have the intent to build themselves. This would allow the franchisor of a retail or home building company, to apply for a MultiProof for use by its franchisees. It would also enable an industry organisation to apply for approval of a design for use by its members.
- 38 These changes provide an opportunity to support both grocery developments and developments in other sectors with more streamlined building consenting.

We propose a single Building Consent Authority (BCA) to deliver consistent building consenting for grocery developments

- 39 While enabling grocery developments to access the MultiProof regime would streamline the processing of building consents, it would not address inconsistencies during the build and processing applications for code compliance certificates. This could include differing inspection schedules, requirements for construction monitoring, and the documentation that must be provided.
- 40 Hon Willis and Hon Penk have instructed MBIE to progress work on reaching an agreement with an existing BCA to provide consistent building consenting services for grocery developments nationwide. This would not require any changes to the Building Act 2004. Engagements to date indicate that multiple councils may be interested in undertaking this role.
- 41 MBIE officials will commence the selection process following public announcements and undertake negotiations with a preferred candidate. Officials expect this service will be operational by early 2026.
- 42 We propose that the agreement with the centralised BCA is in respect of grocery developments that would enable competition nationally or regionally. Eligible developments could access this regardless of whether they also use the FTAA. We anticipate that this would be less than five developments per year. The agreement would not prevent the central BCA from accepting other applications from outside its boundaries, as they are able to do at present.
- 43 A key matter that will be worked through in negotiations with a preferred BCA is how liability arising from defective buildings would be managed.

44 Cabinet agreed on 18 August 2025 (ECO-25-MIN-0121) to change liability rules in the building and construction sector from joint and several to proportionate liability. A move to proportionate liability will address risk-averse behaviour from BCAs and speed up the consenting process. However, the change to proportionate liability requires a transition period of around two years before it is fully implemented. In the meantime, a centralised BCA could be held responsible for defects in grocery developments if other parties fail or disappear.

45 Councils will likely remain concerned about taking on additional liability risks outside of their ratepayer’s jurisdiction.

46 s 9(2)(b)(ii) [REDACTED]
[REDACTED]
[REDACTED]

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

47 Since the Fast-track Approvals system went live in February, over 20 applications have been submitted to the substantive decision-making stage, including housing, infrastructure and mining projects. Expert panels recently issued their first draft decisions – for the Ports of Auckland expansion project and Maitahi Village project. Hon Bishop has also referred ten applications, with more under consideration.

48 We (Hon Bishop and Hon Jones) have found opportunities to make the current process more efficient, based on experience to date including feedback from applicants. Currently, not all decisions are being made as quickly as expected and some costs are higher than anticipated. There are some areas where there is need for greater clarity, such as the thresholds for information and consultation requirements. As at early August, it is currently taking an average of 65 working days for applications to progress through the referral stage, and 147 working days to progress through the substantive process end-to-end. This is a significant improvement on the time it would take under normal statutory processes, but we want to further improve upon these gains.

49 Our aim 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 nationally and regionally significant benefits, and support economic growth.

50 We seek agreement to make a range of technical and machinery amendments to the FTAA. These would apply to all types of applications, not just those related to grocery competition. Specific details of the proposed amendments are attached in Annex Two, which broadly cover:

- 50.1 Improving the timeliness of decision-making;
- 50.2 System workability improvements to promote clarity and efficiency; and
- 50.3 Fixing some minor drafting anomalies.

- 51 We anticipate these changes will reduce decision-making timeframes by over 6 weeks, across the combined substantive and referral processes. The proposals to streamline and clarify processes may generate further time savings by enabling officials in the system to work more efficiently where they are not bound by a statutory clock.
- 52 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.
- 53 Some targeted engagement with applicants has recently concluded and some matters are being tested, s 9(2)(h) I seek delegated authority to make decisions on any further technical or machinery changes in light of that, to include in the draft Bill that will be considered by Cabinet prior to introduction.

Update on wider work to ease regulatory barriers to grocery competition

- 54 We have heard as residual points of concern from the RFI that:
- 54.1 alcohol licensing is restrictive and time consuming;
 - 54.2 food labelling regulation adds cost to importing food products from some jurisdictions; and
 - 54.3 Overseas Investment Act (OIA) requirements create a regulatory burden on those overseas investors seeking to invest in certain land or assets to, for example, develop a supermarket or distribution centre.
- 55 As noted previously, some stakeholders have raised concerns about alcohol off-licensing as a barrier to entry, but officials note strong public health reasons for current restrictions and do not see it as a major obstacle. Further work is not proposed unless it becomes a significant issue for new entrants.
- 56 As part of its upcoming product labelling review, the Ministry for Regulation will be investigating food labelling regulations, which some stakeholders have noted makes it costly to import grocery supplies from overseas.
- 57 The current OIA reforms being led by Minister Seymour will significantly help investors receive more timely consents and give greater certainty to those investors. Hon Willis and Seymour have identified additional operational changes aimed at supporting overseas grocery investors, such as granting longer-term consents, pre-approving investments, and instructing Land Information New Zealand (LINZ) to consider grocery policy in its decision-making process. LINZ will also publish guidance to overseas grocery investors to help guide them through the process and ensure they are aware of all pathways and options available to them.

Cost-of-living Implications

- 58 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

59 s 9(2)(h) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

60 The remaining proposals in this paper do not have financial implications.

Legislative Implications

61 The proposals in this paper will be implemented through the Fast-track Approvals Amendment Bill (the Bill), which makes changes to the Fast-track Approvals Act 2024 and the Environmental Protection Authority Act 2011. The Minister Responsible for RMA Reform has submitted a bid for the 2025 Legislation Programme with the Bill a priority to be passed by the end of 2025 (Category 3). The Bill is intended to be binding on the Crown.

62 The MultiProof proposal in this paper requires an amendment to the Building (National Multiple-use Approval) Regulations 2011, authorised under the Building Act 2004. If agreed to by Cabinet, the Minister for Building and Construction will instruct the Parliamentary Counsel Office (PCO) to draft the necessary amendments.

63 Following this, the Minister will seek authorisation from the Cabinet Legislation Committee to submit the amended regulations to the Executive Council and recommend that the Governor General make these regulations via Order in Council. These changes are intended to be in effect by the end of the year.

Impact Analysis

Regulatory Impact Statement

64 The Ministry for Regulation has determined that this paper’s proposals 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.

Climate Implications of Policy Assessment

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

Population Implications

66 There are no population implications arising from this paper.

Human Rights

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

Use of external Resources

- 68 MBIE and MfE have engaged external consultants to advise on options for improving competition in the sector. These external consultants have been used to access specialist knowledge, skills and experiences not easily found within Government, and for independent checking of our analysis.

Consultation

- 69 The Environmental Protection Authority, Heritage New Zealand, Te Puni Kōkiri, Te Tari Whakatau, The Commerce Commission, The Department of Internal Affairs, the Department of Conservation, The Ministry for Culture & Heritage, The Ministry of Foreign Affairs and Trade, The Ministry for Housing and Urban Development, The Ministry for Primary Industries, The Ministry of Regulation, and The Treasury have been consulted. The Department of Prime Minister and Cabinet has been informed.
- 70 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.

Communications

- 71 With Cabinet's agreement, proposals from this paper will form a part of planned announcements on next steps for improving grocery competition to be made by 30 September under the coalition Government's Q3 2025 plan.
- 72 Any subsequent GPSs issued under the FTAA will be announced after and separate to proposed grocery specific GPS.

Proactive Release

- 73 We intend to proactively release this paper within 30 days of decisions being confirmed by Cabinet.

Recommendations

The Acting Minister for Commerce and Consumer Affairs recommends that Cabinet:

- 1 **note** that the Request for Information (RFI) identified regulatory issues as potential barriers to the entry and growth of grocery retailers in New Zealand that have been considered in cross agency work;
- 2 **note** that proposals from this paper will form a part of planned announcements on next steps for improving supermarket competition to be made by 30 September under the coalition Government's Q3 2025 plan;

The Acting Minister for Commerce and Consumer Affairs and Minister Responsible for RMA Reform recommend that Cabinet:

- 3 **agree** to clarify grocery developers' eligibility for Fast-track approval processes by amending the Fast-track Approvals Act 2024 to:
 - 3.1 explicitly 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;
 - 3.2 make explicit that an expert panel must have regard to the Minister's reasons for referring any project including in grocery retail or wider industries;
 - 3.3 empower the creation of government policy statements (GPS) that decision makers are to consider as part of determining the regional or national significance of a project;
 - 3.4 require the Minister and expert panel to consider any GPS issued in their decisions;
- 4 **direct** officials to develop a grocery specific GPS under the FTAA that specifies improving grocery retail competition as a matter of national or regional significance;
- 5 **note** we will report back on the grocery specific GPS in late 2025;
- 6 **note** the empowering provisions for GPSs under the FTAA will also enable GPSs to be issued for other sectors, such as energy projects;

The Acting Minister for Commerce and Consumer Affairs and, the Minister for Building and Construction recommend that Cabinet:

- 7 **agree** to amend the criteria for MultiProof to:
 - 7.1 remove the requirement that buildings be reproduced at least ten times in two years;
 - 7.2 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;
- 8 **agree** to officials selecting and entering into an agreement with a suitable council BCA (or consortium of BCAs) where the BCA agrees to provide a consistent nationwide building consenting service for grocery developments that would enable competition;
- 9 **note** that officials have held initial conversation with councils on the proposal for a single council BCA to provide a consistent building consenting service nationwide for grocery developments that would enable national and regional competition, and multiple councils expressed interest in undertaking this role;

10 s 9(2)(h)

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

- 11 **note** officials have undertaken targeted engagement with current FTAA system users, which is ongoing;
- 12 **agree** to the proposed technical and machinery changes for improving efficiency and clarity of FTAA processes set out in Annex two;
- 13 **delegate** any further decision on the technical or machinery amendments to the Minister Responsible for RMA Reform and Minister for Regional Development, in light of ongoing feedback from system users s 9(2)(h) to be included in the draft Bill prior to introduction;
- 14 **note** these amendments will be subject to further testing and refinement through the Select Committee process;

Miscellaneous and legislative implications

- 15 **invite** the Acting Minister of Commerce and Consumer Affairs, Minister Responsible for RMA Reforms, and Minister for Building and Construction to issue drafting instructions related to their portfolios to the Parliamentary Counsel Office to give effect to the recommendations above;
- 16 **authorise** the relevant portfolio Ministers to make decisions consistent with the proposals in these recommendations on any issues relating to their portfolios which arise during the drafting process.

[Authorised for lodgement].

Hon Nicola Willis
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

Annex One – Details on Existing FTAA arrangements

The FTAA was passed in December 2024 to create a streamlined approvals regime for projects with significant regional or national benefits.

There are two stages of decision making under the FTAA:

- the referral stage, where the Minister for Infrastructure (the Minister) decides whether to refer a project for consideration by an expert panel
- the substantive stage, where the expert panel decides whether to approve a project.

For both stages, the legislation sets out matters to be considered, some mandatory and some optional. In all cases, the decision-maker has final discretion on whether the relevant test has been met. Projects listed in Schedule 2 of the FTAA do not need referral and can go straight to the substantive application.

Expert panels are independent decision-making bodies set up for each substantive Fast-track application. The panel convenor appoints a panel of up to four members for each project, including a person nominated by the relevant local authorities. Expert panels can hold hearings, prepare or commission reports, request advice and identify the appropriate people to invite comments from. The expert panel makes a decision based on the matters described in the FTAA and the information from the application and assessment process. It can set conditions on an approval.

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Annex two – proposed FTAA technical and machinery amendments

FTAA Section(s)	Proposed amendment(s)
Improving workability (EPA processes)	
New section	<i>EPA Expectation Setting</i> Enable the Minister for Infrastructure to set expectations for the EPA in relation to its functions under the FTAA.
New section	<i>Require councils and administering agencies to engage</i> Require administering agencies and councils to engage with applicants through consultation (at the applicant’s cost) before lodgement of substantive applications.
Section 106	<i>Interest</i> Clarify that the EPA can hold monies received from fee and levy payments in interest bearing accounts and to redeploy that interest.
Various	<i>Parallel processing</i> Require specified steps in the application process to be undertaken concurrently and make any supporting amendments necessary to give effect to this approach.
Various	<i>Ensuring comments are directly relevant</i> 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.
Section 46	<i>Completeness check suspension</i> Allow EPA to seek further information from applicants on substantive applications where necessary without returning the application. Include provision for the applicant to request a suspension of the completeness check of up to 20 working days. Require the EPA and administering agencies to discuss and work with applicants to achieve completeness efficiently.
Section 47	<i>Providing applications to the panel convener earlier</i> Allow EPA to provide applications to the panel convener before the competing applications check is complete.
Panel convener processes (timeframes and workability)	
Sections 18 and 49	<i>Providing section 18 reports for listed projects to the panel convener earlier</i> For listed projects, allow the EPA and/or MfE to provide the section 18 report before, or at the same time, as the EPA provides the application to the panel convener

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Section 50(1)	<i>Panel appointment timeframes</i> Require panels to be appointed within 15 working days of the completeness and competing application check being complete, with extensions allowed only in defined circumstances or with applicant agreement.
Section 51	<i>Panel convener obtains other advice and reports</i> Remove the ability for the panel convener to obtain advice and reports and give this ability to the expert panels
Section 79	<i>Time period for panel decision</i> Limit discretion in setting initial panel decision timeframes with an upper limit (e.g 60 working days) which could only be exceeded with the applicant's written agreement. Add local authorities to the persons to be consulted about timeframes.
Schedule 3, Clause 7	<i>Panel members' skills and experience</i> Panel members' skills and experience must include relevant sectoral expertise (e.g. mining expertise for a mining project).
New provision	<i>Secretary for the Environment</i> Enable the Secretary for the Environment to provide concurrence that a potential panel member is suitable for appointment, having regard to their impartiality, expertise, and prior involvement in projects.
Schedule 3, clause 13	<i>Panel convener indemnity</i> Include professional indemnity for Panel Conveners and Associate Panel Conveners when carrying out their core functions under the Act.
Schedule 3	<i>Panel start date</i> Clarify that a panel's appointment date should be the date on which the panel convener decides on the members of the panel. Specify the date the panel commences work on an application must be within a set number of working days (eg, 10) of appointment unless panel members have availability issues.
Timeframes (process steps)	
Section 14	<i>Completeness check suspension</i> Allow the responsible agency to seek further information from applicants on referral applications where necessary without returning the application. Include provision for the applicant to request a suspension of the completeness check of up to 5 working days.
Section 17	<i>Referral timeframe for comments</i> Reduce the comment period from 20 to 15 working days to improve process efficiency.
Section 18	<i>S18 Ministerial Comments</i> 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.

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Section 30	<i>New timeframe for council requests</i> Impose a statutory timeframe of 10 working days on councils to respond to requests under section 30 about existing consents under the RMA.
Section 38(1)(a)	<i>Priority Application Timing</i> Enable priority applications to be lodged concurrently with substantive applications, before providing the application to the panel convener.
Sections 38 and 50(2)	<i>Minister may determine that project is priority</i> Ensure that panel appointments continue for projects that are not impacted by the priority determination, while a panel is found for the priority project.
Sections 62 and 63	<i>Power to direct suspension</i> Remove the existing power for the Minister for Infrastructure to direct a suspension and instead give this power to the panel convener or expert panel
Sections 70 and 72	<i>Parallel processing comments on draft decision</i> 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.
Improving workability (process steps)	
Section 13	<i>Referral significance of effects information</i> Require applicants to comment on the anticipated significance of adverse effects as part of referral applications.
Section 42	<i>Staging for Listed Projects</i> Enable listed projects to progress in stages and lodge a separate substantive application for each stage. Include a mechanism for the Minister for Infrastructure to make a determination of significance of the stage.
Section 45	<i>Withdrawal of substantive application</i> Enable an applicant to withdraw part of a substantive application.
Section 88	<i>Issuing of decision documents</i> Enable panels to release their decisions in stages, at their discretion.
Section 94	<i>Withdrawal of existing applications for the same project</i> Only require existing applications for the same project to be withdrawn after the competing applications check is complete.
Schedule 2	<i>Descriptions of listed projects</i>

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	Amend the FTAA to address the issue that Listed Projects in Schedule 2 may be ruled out of scope due to the current descriptions in Schedule 2
Drafting clarification	
Schedule 3, clause 4	<i>Chairperson of expert panel</i> Replace “planner with experience in relevant law” with “resource management planner”
Various	<i>Clarifying the use of the term “site”</i> Where appropriate, replace the undefined term “site” with the defined term “project area” and include a definition of site if necessary
Various	<i>Errors and inconsistencies</i> Address any identified errors and inconsistencies in original drafting (e.g. reconciling the wording in clauses 5 and 12 of Schedule 5 relating to adjacent land, reconciling cross-references between sections 35 and 53)
Section 4 (definition)	<i>Complex freshwater activities</i> Clarify the definition of complex freshwater activity at (c)(ii) referring to activities “within 500 metres of the coast” as being activities related to a water body.
Section 4 (definition)	<i>Administering agencies</i> 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.
Section 30	<i>Consent authority ambiguity</i> Limit the requirement to identify existing consents to regional and unitary authorities only to reflect the original drafting intention.
Section 42(4)(c)	<i>Certificate of Compliance for permitted activities</i> Clarify that a certificate of compliance can only be granted for activities with a permitted activity status.
Schedule 5, Clause 26(3)	<i>Approval lapse period</i> Include a default lapse period for resource consent or designation approvals (2 years), which may be extended by expert panels.
Schedule 6	<i>Concessions report</i> Align the matters in clause 4 of Schedule 6 with those in clauses 7 and 8 to ensure consistency between the concession report and the panel’s decision-making criteria.
Schedule 6 and 7	<i>Transfers</i> Amend Schedules 6 and 7 to include transfer of concession and Wildlife Act approvals.

S E N S I T I V E

Schedule 7	<i>Scope of approvals enabled under Wildlife Act</i> Include authorisations under section 56 of the Wildlife Act as within scope of the FTAA.
Schedule 9	<i>Complex freshwater activities</i> Amend/update the information requirements for Schedule 9 approvals relating to complex freshwater fisheries activities.
Land Exchanges	<i>Council reserves</i> Clarify the land exchange provisions to better provide for how land exchanges can occur for land managed by the Department as well as for reserves managed by local authorities.
Land Exchanges	<i>Net benefits</i> Amend the net benefits test to ensure that existing protection mechanisms in place on land to be exchanged are factored into whether the exchange provides a “net benefit.”
Land Exchanges	<i>Money for net benefits</i> Clarify that that money received for net benefit must be spent on the land received in the exchange.
Land Exchanges	<i>Consultation</i> Add a pre-application consultation requirement for land exchanges.
Land Exchanges	<i>Clarifications for finances in exchanges</i> 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.
Clause 20(1)(f), Schedule 11	<i>When a mining permit must not be granted</i> 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, to reflect the original drafting intent.



Cabinet

Minute of Decision

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Reducing Regulatory Barriers to Improve Supermarket Competition and Fast-track Approvals Act 2024 Technical Amendments

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

On 25 August 2025, Cabinet:

- 1 **noted** that the March 2025 Request for Information (RFI) from the grocery industry about barriers to entry and growth identified regulatory issues as potential barriers to the entry and growth of grocery retailers in New Zealand, and that these have been considered in cross agency work;
- 2 **noted** that proposals from the paper under CAB-25-SUB-0290 will form a part of planned announcements on next steps for improving supermarket competition to be made by 30 September 2025 under the coalition Government's Q3 2025 plan;
- 3 **agreed** to clarify grocery developers' eligibility for Fast-track approval processes by amending the Fast-track Approvals Act 2024 (FTAA) to:
 - 3.1 explicitly 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;
 - 3.2 make explicit that an expert panel must have regard to the Minister's reasons for referring any project including in grocery retail or wider industries;
 - 3.3 empower the creation of government policy statements (GPS) that decision makers are to consider as part of determining the regional or national significance of a project;
 - 3.4 require the Minister and expert panel to consider any GPS issued in their decisions;
- 4 **directed** officials to develop a grocery specific GPS under the FTAA that specifies improving grocery retail competition as a matter of national or regional significance;
- 5 **invited** the Acting Minister of Commerce and Consumer Affairs and the Minister Responsible for RMA Reform to report back on the grocery specific GPS in late 2025;
- 6 **noted** that the empowering provisions for GPSs under the FTAA will also enable GPSs to be issued for other sectors, such as energy projects;

- 7 **agreed** to amend the criteria for MultiProof to:
 - 7.1 remove the requirement that buildings be reproduced at least ten times in two years;
 - 7.2 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;

- 8 **agreed** to officials selecting and entering into an agreement with a suitable council building consent authority (BCA) (or consortium of BCAs) where the BCA agrees to provide a consistent nationwide building consenting service for grocery developments that would enable competition;

- 9 **noted** that officials have held initial conversations with councils on the proposal for a single council BCA to provide a consistent building consenting service nationwide for grocery developments that would enable national and regional competition, and multiple councils expressed interest in undertaking this role;

- 10 **s 9(2)(f)(iv)**

- 11 **noted** that officials have undertaken targeted engagement with current FTAA system users, which is ongoing;

- 12 **agreed** to the proposed technical and machinery changes for improving efficiency and clarity of FTAA processes set out in Annex Two to the paper under CAB-25-SUB-0290;

- 13 **authorised** the Minister Responsible for RMA Reform and Minister for Regional Development to take further decisions on the technical or machinery amendments, in light of ongoing feedback from system users **s 9(2)(h)** to be included in the draft Bill prior to introduction;

- 14 **noted** that these amendments will be subject to further testing and refinement through the Select Committee process;

- 15 **invited** the Acting Minister of Commerce and Consumer Affairs, Minister Responsible for RMA Reforms, and Minister for Building and Construction to issue drafting instructions related to their portfolios to the Parliamentary Counsel Office to give effect to the decisions above;

- 16 **authorised** the relevant portfolio Ministers to make decisions consistent with the above decisions on any issues relating to their portfolios which arise during the drafting process.

Rachel Hayward
 Secretary of the Cabinet