

Fast-track Approvals Amendment Bill

Government Bill

Explanatory note

General policy statement

The Commerce Commission has found that competition does not work well in New Zealand's grocery sector and that New Zealand consumers spend more on groceries than consumers in Australia and the UK do, with New Zealand's grocery expenditure the fifth highest per capita in the OECD.

The legislative proposals in this Bill—

- aim to boost productivity and living standards through improving competition in this key sector. The proposals advance a key action in the Competitive Business Settings pillar of the Government's Going for Growth agenda;
- 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;
- aim to ensure the Fast-track Approvals Act 2024 (the **FTAA**) is operationally and procedurally efficient, to support the Government's economic growth plan by helping accelerate infrastructure and development projects that deliver significant regional and national economic benefits.

The FTAA was enacted in December 2024, with applications able to be lodged under it since February 2025.

While grocery retail sector participants can already apply to the Minister for Infrastructure to refer a development project for decision-making under FTAA, the Government's request for information process revealed that one barrier to entry into the grocery sector was the uncertainty that these types of projects may be referred based on improving market competition.

To address this, the Bill amends the FTAA to improve certainty that grocery retail competition is a relevant factor in deciding whether a project has significant regional or national benefits, and adding a power to issue Government Policy Statements

under the FTAA. Separately (outside this legislative process), the Government is developing a Government Policy Statement on grocery competition that it intends to issue under the FTAA once the amendments are enacted.

For potential grocery developers, these proposed amendments would mean a clearer and faster pathway through land use consenting processes, making it easier to establish new stores and expand operations in New Zealand's grocery sector.

This Bill also includes specific technical and machinery changes to the FTAA and its processes, informed by feedback from current system users. These amendments are aimed at improving system efficiency by reducing time frames, duplication, and unnecessary costs, improving clarity for applicants and other system users, addressing ambiguities or errors, and promoting consistency in the original drafting. These changes are in line with the overarching policy intent and purpose of the FTAA. Collectively, the amendments are expected to speed up the process by over 6 weeks across the combined referral and substantive processes.

The amendments make technical and machinery changes within the FTAA's existing overall scheme, but do not substantially alter its decision-making framework of referral applications being determined by the Minister for Infrastructure and substantive decisions on projects being made by expert panels established by the panel conveners, with invitations to comment being sought.

Departmental disclosure statement

The Ministry for the Environment is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2025&no=219>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 provides for the Bill to commence on the day after Royal assent.

Clause 3 states that the Bill amends the Fast-track Approvals Act 2024 (the **principal Act**).

Part 1

Amendments to Parts 1 and 2

Clause 4 amends section 4, which sets out various definitions used in the principal Act. The changes include—

- amending the definition of administering agency by removing from that category the chief executives of the departments that administer the Heritage New

Zealand Pouhere Taonga Act 2014 (the Ministry for Culture and Heritage) and the Resource Management Act 1991 (the Ministry for the Environment). The roles of administering agencies under the principal Act are performed by Heritage New Zealand Pouhere Taonga and local authorities:

- amending the definition of competing application to clarify that in order for an application (**application A**) to be a competing application, it must have been lodged by someone other than the person who lodged the substantive application to which the application A relates;
- amending the definitions of complex freshwater fisheries activity and standard freshwater fisheries activity by making clear that the relevant works included in the definition involve a water body and a disturbance of a water body;
- inserting definitions of Government policy statement and relevant portfolio Minister;
- amending the definition of priority project to update a cross reference (*see clauses 21 and 22*).

Clause 5 inserts *new section 10A*, which enables the Minister to issue a Government policy statement about the regional or national benefits of certain types of projects.

Clause 6 amends section 11, which requires an applicant to consult with certain people before lodging an application under section 13 to use the fast-track approvals process (a **referral application**). Section 11 is amended so that, before lodging a referral application, the applicant is required to—

- consult any relevant applicant groups with applications for customary marine title under the Marine and Coastal Area (Takutai Moana) Act 2011 and ngā hapū o Ngāti Porou, if the project area is within or adjacent to, or the project would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou (*see new section 11(1)(a)*); and
- notify specified persons and groups in writing (*see new section 11(1)(b)*).

A person or group who is notified may provide the applicant with a response within 20 working days after receiving a notice (*see new section 11(3)*).

Clause 7 amends section 13, which sets out the information that a person must include in a referral application. *Clause 7* amends section 13 as follows:

- *subclause (1)* amends section 13(4)(h) to require the person to include an assessment of the significance of the project's anticipated and known adverse effects on the environment;
- *subclause (2)* amends section 13(4)(k)(i), and *subclause (3)* inserts *new section 13(4)(ka)*, as a consequence of the amendments to section 11 by *clause 6*;
- *subclause (4)* replaces section 13(4)(y)(vi) with *new section 13(4)(y)(vi) and (via)*. The amendment separates the 2 categories of approval covered by current section 13(4)(y)(vi): the approvals referred to in *new subparagraph (vi)* (specified RMA approvals that include a standard freshwater fisheries activity) (**standard FFA**) require the information set out in *new clause 4A of Schedule*

5, while the approvals referred to in *new subparagraph (via)* (complex freshwater fisheries activity) (**complex FFA**) continue to require the information set out in clause 2 of Schedule 9.

Clause 8 amends section 14, which requires the Secretary for the Environment to decide whether a referral application is complete and within scope. Section 14 is amended to enable the Secretary for the Environment to seek further information from an applicant instead of returning the referral application if it is incomplete or not within scope. The period for seeking further information does not count towards the 10-working-day period in which the Secretary for the Environment must decide whether an application is complete and within scope (*see new section 14(3B)*).

Clause 9 amends section 17, which requires the Minister for the Infrastructure (the **Minister**) to invite comments on a referral application. *Clause 9* amends section 17 as follows:

- *subclause (1)* replaces section 17(1)(b) to add the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development to the list of persons and groups that the Minister must provide a copy of the referral application to and invite comments from (currently, the Minister is required under section 18 of the principal Act to provide a report on Treaty settlements and other obligations to those Ministers for their comments):
- *subclause (2)* replaces section 17(3) and inserts *new section 17(3A)* to require a local authority or an administering agency, if providing comments on a referral application, to provide comments that are relevant to the application and the decision on the application that the Minister is required to make under section 21:
- *subclause (3)* amends section 17(4) to update a cross reference:
- *subclause (4)* amends section 17(6) to reduce the time frame in which comments on a referral application must be provided from 20 working days to 15 working days.

Clause 10 amends section 18, which requires the Minister to, for a referral application, obtain and consider a report that is prepared by the Secretary for the Environment. Section 18(3) and (4) is replaced to remove the requirement to provide a draft report to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti as a consequence of the replacement of section 17(1)(b) by *clause 9(1)*.

Clause 11 amends section 19(1) to correct a drafting error.

Clause 12 amends section 22, which sets out the criteria for the Minister to use when assessing a referral application, as follows:

- *subclause (1)* inserts a requirement for the Minister to consider a relevant Government policy statement when deciding whether the project would have significant regional or national benefits:

- *subclause (2)* clarifies that the Minister may consider whether the project will promote competition in the grocery industry.

Clause 13 amends section 25(1), which specifies when a decision to decline a referral application may be made, to remove unnecessary references to the referral application.

Clause 14 amends section 29, which requires the authorised person, before lodging a substantive application for a listed project, to consult the persons and groups referred to in section 11 and, if the substantive application seeks an approval described in section 42(4)(l) or (m) (access arrangement), comply with section 59(1) and (2) of the Crown Minerals Act 1991. Section 29(1)(a) is replaced as a consequence of the amendments to section 11 by *clause 6*.

Clause 15 amends section 30, which relates to the identification of existing resource consent for same activity, as follows:

- *subclauses (1) and (2)* replace references to consent authority with references to a regional council that is the consent authority:
- *subclause (3)* amends section 30(3) to impose a 10-working day time frame on a consent authority to respond to notifications it receives under section 30(2).

Under section 30, the authorised person for a listed project or a referred project must, before lodging a substantive application seeking approval for a resource consent, notify consent authorities so the authorities can give the holders of any existing resource consents an opportunity to lodge their own application. The effect of *new section 30(8)* is to limit this process to consent authorities that are a regional council.

Clauses 16 and 17 insert *new section 32A* and make a consequential amendment to section 32. *New section 32A* concerns substantive applications, for listed projects or referred projects, that seek approval of a land exchange. The section requires the authorised person to consult the Director-General of Conservation before lodging the application.

Clause 18 amends section 35, which requires the Director-General of Conservation to invite comments on a proposed land exchange. *Clause 18* amends section 35 as follows:

- *subclause (1)* inserts *new section 35(1)(e)*, so that persons the Director-General of Conservation must invite to comment on a proposed land exchange include any other person the Director-General considers appropriate:
- *subclause (2)* makes a consequential amendment to section 35(2):
- *subclause (3)* inserts *new subsection (2A)* to require a local authority or an administering agency, if providing comments on a proposed land exchange, to provide comments that are relevant to proposed land exchange and the report that the Director-General is required to prepare under section 35.

Clause 19 inserts *new section 37A* (listed projects proceeding in stages). The authorised person for a listed project that is to proceed in stages may ask the Minister for a determination that the person may lodge a separate substantive application for a spe-

cified stage of the project. The Minister may make the determination if satisfied that the relevant stage of the project would meet the criteria in section 22 if considered as a stand-alone project. The new section also allows the Minister to seek further information about the project stage and provides for notifications of the Minister's decision.

Clause 20 repeals section 38, which provides that the Minister may determine that a listed project or a referred project is a priority project. Section 38 is replaced by *new section 41A* (see *clause 21*).

Clause 21 inserts *new section 41A* (Minister may determine that project is priority). The key difference between section 38 and *new section 41A* is that the Minister can determine that a listed project or a referred project is a priority project before a panel is set up for the substantive application to which the project relates.

Clause 22 amends section 42 as follows:

- *subclause (1)* inserts *new section 42(1)(aa)*, which provides that substantive applications that may be lodged under section 42 include a substantive application for a stage of a listed project that the Minister has determined, under *new section 37A*, may be lodged as a separate substantive application:
- *subclause (2)* amends section 42(4)(c) by inserting a cross-reference to *new subsection (7A)*:
- *subclause (3)* replaces *section 42(4)(j)*. The new paragraph provides for all, rather than some, of the approvals that may be sought in relation to complex freshwater fisheries activities, aligning with clause 19(1) of Schedule 5:
- *subclause (4)* inserts *new subsection (7A)*, which provides that a substantive application seeking a resource consent or a designation under subsection (7) (in relation to an application seeking a certificate of compliance) may also seek an a resource consent or a designation for an activity that would not require a resource consent:
- *subclause (5)* makes a consequential amendment to section 42(8), inserting a cross-reference to *new section 32A*.

Clause 23 amends section 43, which sets out requirements for a substantive application, as follows:

- *subclause (1)* replaces section 43(2) as follows:
 - *new paragraph (a)* replicates section 43(2), but updates a cross reference as a consequence of the amendments to section 11 by *clause 6*:
 - *new paragraph (b)* contains additional information requirements for a listed project stage that is being treated as a stand-alone project (see *new section 37A*):
 - *new paragraph (c)* require the applicant to include the information that they provided to the Minister when applying to have the project listed as a listed project:

- *subclause (2)* amends section 43(3)(d) (which concerns information requirements in applications seeking approval of designations) by adding a cross-reference to *new clause 9 of Schedule 5*.

Clause 24 inserts *new section 45A* (EPA may provide substantive application to panel convener). *New section 45A* enables the EPA to provide a substantive application to the panel convener at any time before the Minister makes a decision under *new section 47B(2)(b)* (currently, the EPA cannot provide a substantive application to the panel convener until decisions are made under sections 46 and 47).

Clause 25 amends section 46, which requires the EPA to decide whether a substantive application is complete and within scope. *Clause 25* amends section 46 as follows:

- *subclause (1)* inserts *new section 46(2A) to (2C)* to enable the EPA to seek further information from an applicant, instead of returning the substantive application if it is incomplete or not within scope. The period for seeking further information does not count towards the 15-working-day period in which the EPA must decide whether an application is complete and within scope:
- *subclause (1)* replaces section 46(3) to remove the requirement that the EPA provide the application to the panel convener after deciding that the application is complete and within scope as a consequence of the insertion of *new section 45A*.

Clause 26 replaces section 47, which requires the EPA to make a recommendation, and the Minister to make a decision, regarding whether a substantive application has competing applications and there are existing resource consents to which section 124C(1)(c) or 165ZI of the Resource Management Act 1991 would apply that are not identified in the substantive application.

Clause 26 replaces section 47 with *new sections 47 to 47C*. *New sections 47 to 47C* largely replicate current section 47, except that they also provide—

- that the EPA can start working to determine whether a substantive application has any competing applications or there are any existing resource consents before deciding whether the substantive application is complete and within scope under section 46 (*see new section 47(3)*):
- that the Minister may notify the EPA that a panel may be set up for a substantive application if the Minister—
 - considers that there is a competing application, or there are competing applications, but the Minister has received notice under *new section 47A(3)* for the application or applications or the Minister does not consider that there are competing applications; and
 - decides that there are no existing resource consents to which section 124C(1)(c) or 165ZI of the Resource Management Act 1991 would apply that are not identified in the substantive application (*see new section 47B(1)*):

- that, on receiving a notice from the Minister that a panel may be set up for a substantive application, the EPA must notify the panel convener and the applicant that a panel may be set up for the substantive application and provide the application to the panel convener if the EPA has not already provided it (*see new section 47B(2)*);
- that, if the Minister delegates to the EPA the power to make a decision or decisions under *new section 47A* and the power to notify under *new section 47B*, the EPA may notify the panel convener and the applicant that a panel may be set up for the substantive application and provide the application to the panel convener if the EPA has not already provided it without notifying itself of its decision or decisions (*see new section 47C(4) and (5)*).

Clause 27 amends section 48, which requires the EPA to request a recommendation in relation to an aquaculture decision to be made under section 80. Section 48(2) is amended so that the EPA must request the recommendation when the EPA notifies the panel convener that a panel may be set up for the substantive application (rather than when the EPA provides the substantive application to the panel convener).

Clause 28 amends section 49, which requires the EPA to request a section 18 report from the responsible agency if the substantive application relates to a listed project. Section 49(2) is amended so that the EPA must request the report when the EPA receives the substantive application (rather than when the EPA provides the substantive application to the panel convener).

Clause 29 replaces section 50, which requires the panel convener to set up a panel for each substantive application that the panel convener receives. *New section 50*—

- requires the panel convener to set up a panel for each substantive application in respect of which they are notified by the EPA that a panel may be set up (*see new section 50(1)*);
- requires the panel convener to set up a panel within 15 working days of being notified that a panel may be set up (*see new section 50(2)*);
- qualifies the requirement on the panel convener to set up a panel for a substantive application relating to priority project before setting up a panel for a non-priority project by providing that the convener is not required to pause or delay set-up work that is already underway (unless that work relates to a competing application) (*see new section 50(3)*).

Clauses 30 to 32 replace current section 51 with *new section 52A* as follows:

- *clause 30* repeals section 51;
- *clause 31* inserts a new cross-heading to be located above *new section 52A*;
- *clause 32* inserts *new section 52A* (panel obtains other advice and reports), which replaces current section 51. The key difference between *new section 52A* and current section 51 is that it is now the panel, not the panel convener, that directs the EPA to obtain the relevant advice and reports.

Clause 33 amends section 53, which requires a panel to direct the EPA to invite comments on a substantive application. *Clause 33* amends section 53 as follows:

- *subclause (1)* replaces section 53(1) to clarify that a panel must direct the EPA to invite written comments on a substantive application not later than 10 working days after the appointment of all panel members (rather than after the panel is set up):
- *subclause (2)* replaces section 53(3) with *new section 53(3) and (4)*, which provide that—
 - a relevant local authority or relevant administering agency, if providing comments on a substantive application, to provide comments that are relevant to the application and the decision that the panel is required to make under section 81 on the approvals sought in the application (*see new section 53(3)*); and
 - the panel may invite comments on a particular matter from any person or group that the panel thinks appropriate, but only—
 - after checking whether the relevant local authorities or relevant administering agencies intend to comment on the matter; and
 - if the panel considers that the comments that the relevant local authorities or relevant administering agencies intend to provide will not enable the panel to sufficiently address the matter or the relevant local authorities or relevant administering agencies do not intend to comment on the matter (*see new section 53(4)*).

Clause 34 makes a minor amendment to section 60, consequential to the amendments to section 62 made by *clause 36(1) and (2)*.

Clause 35 makes a minor amendment to section 61, consequential to the insertion of *new section 52A* by *clause 32*.

Clause 36 amends section 62 as follows:

- *subclauses (1) and (2)* make amendments providing that the panel convener, rather than the Minister, may direct the suspension of the processing of a substantive application:
- *subclause (3)* replaces a cross-reference to current section 51 with a cross-reference to *new section 52A*.

Clause 37 makes minor amendments to section 63, consequential to the amendments to section 62 made by *clause 36(1) and (2)*.

Clause 38 amends section 64, which allows an applicant to request that the processing of their substantive application be suspended. *Clause 38* amends section 64 as follows:

- *subclause (1)* amends section 64(2)(a) to reflect that section 46 no longer requires the EPA to provide the panel convener with a substantive application:

- *subclause (2)* replaces section 64(3) to provide that, if a panel has not yet been set up, a panel convener may suspend the processing of a substantive application, but if a panel has been set up, it is the panel that may suspend the processing of a substantive application:
- *subclauses (3) and (4)* amend section 64(4)—
 - as a consequence of *new section 64(3)*; and
 - to replace a cross-reference to current section 51 with a cross-reference to *new section 52A*.

Clause 39 amends section 65, which enables an applicant who is granted a suspension to request that the processing of their substantive application be resumed. References to the panel (or a panel) in section 65 are replaced with references to the panel convener or the panel (or a panel) as a consequence of *new section 64(3)*.

Clause 40 amends section 66, which sets out what must happen if 50 working days have elapsed since the processing of a substantive application was suspended. References in section 66 to a panel are replaced with references to the panel convener or a panel as a consequence of *new section 64(3)*.

Clause 41 amends section 68 by replacing a cross-reference to current section 51 with a cross-reference to *new section 52A*.

Clause 42 inserts *new sections 68A and 68B* and an associated cross-heading as follows:

- *new section 68A* allows an applicant who has lodged a substantive application and who wishes to modify the application to give notice of the modification to the panel, who may request the Minister to determine whether the application may proceed in the modified form proposed by the applicant:
- *new section 68B* allows the Minister to determine that the application may proceed in its proposed modified form if satisfied that the project still has significant regional or national benefits. This section includes procedural requirements relating to the determination and also provides that the time taken to secure a determination is excluded from the time frame in which the panel performs its functions in relation to a substantive application.

Clause 43 amends section 72, which requires a panel, before deciding whether to grant or decline an approval under section 81, to direct the EPA to invite comments from the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development on the draft decision. *New section 72(1A)* is inserted to enable the panel to direct the EPA to invite comments from those Ministers at the same time as it directs the EPA to provide a copy of, and invite comments from certain persons and groups on, the draft conditions on the approval.

Clause 44 amends section 79, which sets out the time frame within which a panel must issue its decision documents under section 88. *Clause 44* amends section 79 as follows:

- *subclause (1)* replaces section 79(2)(b) to prevent a panel convener from setting a time frame that is longer than 60 working days from the date specified for receiving comments under section 53, unless the applicant agrees in writing;
- *subclause (2)* amends section 79(2)(c) so that a panel convener must consult with the relevant local authorities, as well as the relevant administering agencies, before setting the time frame.

Clause 45 amends section 81, which sets out the decisions a panel must make in relation to a substantive application, and the matters a panel must or may consider.

Clause 45 amends section 81 as follows:

- *subclause (1)* inserts *new section 81(2)(aaa) and (aab)* to—
 - clarify that a panel must (in the case of an unlisted project) consider the Minister’s reasons for accepting the referral; and
 - insert a requirement for a panel to consider a relevant Government policy statement;
- *subclauses (2) and (4)* replaces a cross-reference to current section 51 with a cross-reference to *new section 52A*;
- *subclause (3)* inserts *new section 81(2)(ea)*, which enables a panel to impose a condition under *new section 84A*.

Clause 46 inserts *new section 84A*, which enables a panel to impose a condition designed to ensure that the infrastructure in the project area or the infrastructure the project will rely on is or will be made adequate.

Clause 47 amends section 88 to give panels issuing 2 or more decision documents for a substantive application the discretion to issue the documents at the same time (the current rule in section 88(1)) or at different times.

Clause 48 inserts *new section 93A*, which enables the Minister to give general direction to the EPA in relation to the EPA’s performance and exercise of its functions, duties, and powers under the principal Act. The Minister must consult the EPA before giving a direction and cannot give a direction that relates to a particular substantive application (*see new section 93A(2) and (4)*). A direction given by the Minister must be published in the *Gazette*, made available on the EPA’s internet site, and presented to the House of Representatives (*see new section 93A(3)*).

Clause 49 amends section 94, which requires a person to withdraw an application for an approval under a specified Act if they—

- lodge a substantive application that seeks a corresponding approval under the principal Act for the same, or substantially the same, activity; and
- are notified by the EPA that the substantive application complies with section 46(2).

Section 94(2)(b) is replaced so that a person does not need to withdraw an application until they are notified by the EPA that the panel convener has been notified that a

panel may be set up (instead of when they are notified by the EPA that the substantive application complies with section 46(2)).

Clause 50 amends section 99, which enables certain persons and groups to appeal on a question of law to the High Court against a decision of a panel to grant or decline to grant an approval. Current section 99(1)(d) provides that persons and groups that provided comments in response to an invitation given under the principal Act are able to appeal. That section is replaced by *new section 99(1)(d)* to limit that ability to persons and groups that provided comments in response to an invitation given under section 17(1) or 53(2) or any of section 35(1)(a) to (d).

Clause 51 amends section 104 by providing that the actual and reasonable costs that may be recovered from applicants by an agency, the EPA, or the Minister are determined in accordance with any regulations made under section 108.

Clause 52 amends section 106, which sets out the methods by which costs may be recovered. Current section 106(2) provides that all interest accruing from estimated fees and charges, or fees or charges based on estimated costs, in the period after payment is retained by the EPA and applied to the costs that may be recovered under section 104. That section is replaced by *new section 106(2)*, which provides that interest accrued on all fees, charges, and levies described in section 106(1) may be retained and applied to costs that may be recovered under section 104 or met under section 109(1)(a) by the imposition of a levy.

Clause 53 amends section 108, which enables regulations to be made about fees, charges, and contributions that may be recovered from applicants by an agency, the EPA, or the Minister. *Clause 53* inserts the power to make regulations—

- providing for the actual and reasonable costs that may be recovered under section 104, including by setting upper limits, setting out criteria for quantification, and excluding certain categories of costs;
- providing for a dispute resolution process in relation to costs sought.

Clause 54 inserts *new section 117A*. *New section 117A* enables the Minister to recommend the making of an Order in Council to amend the project description of a project, or the description of the approximate geographical location of a listed project, in Schedule 2. The Minister must not make a recommendation unless satisfied that the scope of the listed project will not be substantially different as a result of the amendment, taking into account—

- the significant regional or national benefits of the project; and
- the purpose of the project; and
- the location, scale, and nature of the works involved in the project.

Part 2

Amendments to schedules

Part 2 of the Bill contains amendments to the schedules of the principal Act.

Clause 55 amends Schedule 2, which lists projects, as follows:

- *subclause (1)* replaces the shoulder reference with a reference to section 117 and *new section 117A*:
- *subclause (2)* amends the heading to clarify that listed projects have significant regional or national benefits:
- *subclause (3)* amends the Stella Passage Development project, so that the description of the project includes the extension of the Mount Maunganui wharf and the description of the approximate geographical location reflects the inclusion of that wharf.

Clause 56 amends Schedule 3, which relates to panels set up under the Act, as follows:

- *subclause (1)* replaces clause 3(2) of the schedule. *New clause 3(2)* provides that the panel convener, before appointing a panel, may consult the EPA and must notify the applicant and relevant local authorities of the names of prospective panel members:
- *subclause (2)* inserts *new clause 3A*. The new clause allows applicants and local authorities who receive a notification under *new clause 3(2)* to raise issues concerning prospective panel members with the panel convener, provides a process to support the convener's decision, and provides that the time taken by this process is excluded from the time frame for the panel's performance of its functions under *new section 50(2)*:
- *subclause (3)* amends clause 4(1), changing the qualification and experience required of a panel chairperson:
- *subclause (4)* corrects an incorrect cross-reference:
- *subclause (5)* amends clause 5 by replacing a cross-reference to current section 51 with a cross-reference to *new section 52A*:
- *subclause (6)* amends clause 7 to provide that the collective knowledge, skills, and experience of a panel must include knowledge, skills, and experience in the relevant sector:
- *subclause (7)* replaces clause 13 so that—
 - panel conveners and associate panel conveners are not liable for anything that they do or omit to do in good faith in performing or exercising their functions, duties, or powers under the principal Act (*see new clause 13(1)*):
 - members appointed to panels are not liable for anything that they do or omit to do in good faith in performing or exercising the functions, duties, or powers of the panel (*see new clause 13(2)*).

Clause 57 amends Schedule 5, which relates to applications seeking RMA approvals, as follows:

- *subclause (1)* inserts *new clause 4A*. The new clause contains information requirements for projects that include standard FFAs, replacing clause 2 of Schedule 9 as part of the rationalising of provisions relating to standard and complex FFAs:
- *subclause (2)* makes a minor amendment to clause 5 for the purpose of clarification:
- *subclause (3)* inserts *new clause 9*. The new clause contains further information requirements for projects that include standard FFAs, replacing clause 3 of Schedule 9 as part of the rationalising of provisions relating to standard and complex FFAs:
- *subclause (4)* amends clause 12 to provide that a notice of requirement must also include a map of the relevant site:
- *subclause (5)* makes a minor amendment to clause 12 for the purpose of clarification:
- *subclauses (6) to (9)* make minor amendments to clause 19 for the purpose of clarification:
- *subclause (10)* amends clause 26 to provide that, if a panel decision document for a resource consent or a designation does not specify the date on which the approval lapses if not given effect, it lapses after 2 years.

Clause 58 amends Schedule 6, which concerns applications seeking approvals relating to the Conservation Act 1987, the Reserves Act 1977, the Wildlife Act 1953, and the National Parks Act 1980, as follows:

- *subclause (1)* replaces clause 4 so the report referred to is a report under *new section 52A*, rather than current section 51:
- *subclauses (2) to (6)* make a minor amendment to clauses 14, 15, 16, and 17 so that information requirements that currently apply to variations and extensions of approvals will also apply to transfers of approvals:
- *subclause (7)* makes an amendment to clause 23(1)(c) that is consequential to the insertion of *new clause 23(1A)*:
- *subclause (8)* inserts *new clause 23(1A)* to require that the description of conservation values required by subclause (1)(c) must also include details of anything registered or noted for conservation purposes on the record of title for the relevant land:
- *subclause (9)* inserts *new clause 24(ea)* requiring the information to include a summary of consultation undertaken for the purposes of *new section 32A* and how that consultation informed the relevant project:
- *subclause (10)* replaces clause 26(1)(a). *New paragraph (a)* requires a report about conservation values under section 35(3) also to explain why the exchange of land would benefit the conservation estate and to include details of anything registered or noted for conservation purposes on the record of title for the relevant land:

- *subclause (11)* amends clause 29(2), which sets out the criteria for a panel decision on Schedule 6 matters. As amended, the subclause speaks of enhancing conservation values, not of land managed by the Department of Conservation, but of conservation areas and Crown-owned reserves considered as a whole:
- *subclause (12)* inserts *new clause 29(2A)*, which provides that consideration of conservation values of land acquired by the Crown must discount the extent to which the conservation values of that land are affected by anything registered or noted for conservation purposes on the record of title for that land:
- *subclause (13)* replaces clause 32(1)(b), which concerns costs that must be borne by the applicant for the land exchange. *New paragraph (b)* makes the clear that those costs are the costs of improvements to the land acquired by the Crown that the panel thinks necessary to enhance conservation values, not of land managed by the Department of Conservation, but of conservation areas and Crown-owned reserves considered as a whole:
- *subclause (14)* replaces clause 34(3), which concerns the use by the Crown of money received in a land exchange. *New subclause (3)* makes the clear that the money referred to is money received for the purposes of the panel's decision under clause 29(2) and that the improvements the money is used for are those that will enhance the conservation values, not of land managed by the Department of Conservation, but of conservation areas and Crown-owned reserves considered as a whole:
- *subclause (15)* makes a minor amendment to clause 43, consequential to the insertion of *new section 52A* by *clause 33*.

Clause 59 amends Schedule 7 by making a number of minor consequential amendments to clauses 1, 3, and 7 of that schedule.

Clause 60 amends Schedule 8 by making a minor amendment to clause 3, consequential to the insertion of *new section 52A* by *clause 33*.

Clause 61 makes a number of minor amendments to Schedule 9. Most amendments ensure that the provisions of Schedule 9 apply only to approvals relating to complex FFAs and one amendment is consequential to the replacement of current section 51 with *new section 52A*.

Clause 62 amends Schedule 11, which applies to approvals relating to the Crown Minerals Act 1991, as follows:

- *subclauses (1) and (2)* make amendments that are consequential to the replacement of current section 51 with *new section 52A*:
- *subclause (3)* replaces clause 20(1)(a), which provides that a mining permit must not be granted unless the panel is satisfied that the deposit was discovered as a result of permitted activities. Under *new paragraph (a)*, the exception is concerned with where the deposit is located, not how it is discovered:
- *subclause (4)* makes a minor amendment to clause 20(1)(f), aligning its language with the language used in the Crown Minerals Act 1991.

Hon Chris Bishop

Fast-track Approvals Amendment Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Fast-track Approvals Amendment Act **2025**.

2 Commencement

This Act comes into force on the day after Royal assent.

5

3 Principal Act

This Act amends the Fast-track Approvals Act 2024.

Part 1

Amendments to Parts 1 and 2

| | | |
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| 4 | Section 4 amended (Interpretation) | 10 |
| (1) | In section 4(1), definition of administering agency , paragraph (a), after “specified Act”, insert “(other than the chief executives of the departments that, with the authority of the Prime Minister, are responsible for the administration of the Heritage New Zealand Pouhere Taonga Act 2014 and the Resource Management Act 1991)”. | 15 |
| (2) | In section 4(1), replace the definition of competing application with: | |
| | competing application , in relation to a substantive application (application A), means a substantive application or an application for an approval under a specified Act (application B) if— | |
| (a) | the approval sought or applied for by application B relates to the same natural and physical resources as an approval sought by application A; and | 20 |
| (b) | the approval sought or applied for by application B could not be fully exercised (if at all) if the approval referred to in paragraph (a) were granted; and | 25 |

- (c) application B was lodged by someone other than the person who lodged application A
- (3) In section 4(1), definition of **complex freshwater fisheries activity**, replace paragraph (c)(ii) and (iii) with:
- (ii) that require disturbance of any duration during the whitebaiting season to a water body within 500 m of the coast; or
 - (iii) that require disturbance of any duration during the relevant spawning season to a water body that is known for the spawning of trout, salmon, or native fish; or
- (4) In section 4(1), definition of **priority project**, replace “section 38” with “**section 41A**”.
- (5) In section 4(1), definition of **processing**, paragraph (a), replace “section 51” with “**section 52A**”.
- (6) In section 4(1), definition of **standard freshwater fisheries activity**, replace paragraph (c)(ii) and (iii) with:
- (ii) that require disturbance of any duration outside the whitebaiting season to a water body within 500 m of the coast; or
 - (iii) that require disturbance of any duration outside the relevant spawning season to a water body that is known for the spawning of trout, salmon, or native fish; or
- (7) In section 4(1), insert in their appropriate alphabetical order:
- Government policy statement** means a Government policy statement issued under **section 10A**
- relevant portfolio Minister** means a Minister of the Crown who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for,—
- (a) in relation to a proposed Government policy statement, a portfolio that is directly related to the subject of the proposed Government policy statement; or
 - (b) in relation to a project,—
 - (i) a portfolio that is directly related to the nature of the project (for example, the Minister responsible for energy, in the case of a project to construct a solar farm); and
 - (ii) the administration of a specified Act that relates to the proposed approval for the project or to an approval being sought in the substantive application (for example, the Minister responsible for the administration of the Heritage New Zealand Pouhere Taonga Act 2014, in the case of a project that requires an archaeological authority)

5 New section 10A inserted (Government policy statements)

After section 10, insert:

10A Government policy statements

- (1) The Minister may issue a Government policy statement.
- (2) The purpose of a Government policy statement is to state the Government's policies about the regional or national benefits of certain types of infrastructure or development projects. 5
- (3) Before issuing a Government policy statement, the Minister must consult the relevant portfolio Ministers.
- (4) The responsible agency must— 10
 - (a) notify a Government policy statement in the *Gazette*; and
 - (b) make a Government policy statement available on an internet site administered by or on behalf of the responsible agency.
- (5) *See section 22(1A)*, which requires the Minister to consider a relevant Government policy statement when making a decision to accept or decline a referral application. 15
- (6) *See section 81(2)(aab)*, which requires a panel to consider a relevant Government policy statement when making a decision whether to grant an approval and set any conditions, or to decline the approval.

6 Section 11 amended (Consultation requirements for referral application) 20

- (1) In the heading to section 11, after “**Consultation**”, insert “**and notification**”.
- (2) Replace section 11(1) with:
 - (1) Before lodging a referral application, the applicant must—
 - (a) consult—
 - (i) any relevant applicant groups with applications for customary marine title under the Marine and Coastal Area (Takutai Moana) Act 2011; and 25
 - (ii) ngā hapū o Ngāti Porou, if the project area is within or adjacent to, or the project would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou; and 30
 - (b) notify in writing—
 - (i) the relevant local authorities; and
 - (ii) any relevant iwi authorities, hapū, and Treaty settlement entities, including—
 - (A) iwi authorities and groups that represent hapū that are parties to relevant Mana Whakahono ā Rohe or joint management agreements; and 35

- (B) the tangata whenua of any area within the project area that is a taiāpure-local fishery, a mātaītai reserve, or an area that is subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996; and
- (iii) the relevant administering agencies; and 5
- (iv) if the proposed approvals for the project are to include an approval described in section 42(4)(f) (land exchange), the holder of an interest in the land that is to be exchanged by the Crown.
- (3) After section 11(2), insert:
- (3) A person or group who receives a notice under **subsection (1)(b)** may provide the applicant with a response to the notice not later than 20 working days after receiving the notice. 10
- 7 Section 13 amended (Referral application)**
- (1) In section 13(4)(h), after “environment”, insert “and the significance of those adverse effects”. 15
- (2) In section 13(4)(k)(i), replace “section 11” with “**section 11(1)(a)**”.
- (3) After section 13(4)(k), insert:
- (ka) a summary of how any responses provided under **section 11(3)** have informed the project:
- (4) Replace section 13(4)(y)(vi) with: 20
- (vi) an approval described in section 42(4)(a) or (d) in relation to a project that includes a standard freshwater fisheries activity, the information specified in **clause 4A of Schedule 5**:
- (via) an approval described in section 42(4)(j) (complex freshwater fisheries activity approval), the information specified in clause 2 of Schedule 9: 25
- 8 Section 14 amended (Responsible agency decides whether referral application is complete and within scope)**
- (1) After section 14(3), insert:
- Further information* 30
- (3A) The responsible agency may request further information from the applicant for the purposes of subsection (1).
- (3B) If the responsible agency requests further information from the applicant, the time period specified in subsection (1) ceases to run until the applicant provides the information or until the end of the fifth working day after the date of the request (whichever occurs first). 35
- If substantive application complies with subsection (2)*
- (2) After section 14(4), insert:

If substantive application does not comply with subsection (2)

- (3) In section 14(5), replace “that subsection” with “subsection (2)”.

9 Section 17 amended (Minister invites comments)

- (1) Replace section 17(1)(b) with:

(b) the following Ministers: 5

- (i) the Minister for the Environment:
- (ii) the Minister for Māori Crown Relations: Te Arawhiti:
- (iii) the Minister for Māori Development:
- (iv) other relevant portfolio Ministers; and

- (2) Replace subsection (3) with: 10

- (3) A local authority—

(a) must provide comments advising of—

- (i) any applications that have been lodged with the local authority that would be competing applications if a substantive application for the project were lodged; and 15
- (ii) in relation to any proposed approval of the kind described in section 42(4)(a) (resource consent), any existing resource consents of the kind referred to in section 30(3)(a); and

(b) may provide other comments, but only if those comments are relevant to the application and the decision on the application that the Minister is required make under section 21. 20

- (3A) Any comments made by an administering agency must be relevant to the application and the decision on the application that the Minister is required make under section 21.

- (3) In section 17(4), replace “subsection (1)(b)” with “subsection (1)(b)(iv)”. 25

- (4) In section 17(6), replace “20” with “15”.

10 Section 18 amended (Report on Treaty settlements and other obligations)

Replace sections 18(3) and (4) with:

- (3) In preparing the report required by this section, the responsible agency must consult relevant departments. 30

11 Section 19 amended (Report in relation to use of public conservation land)

In section 19(1), replace “the referral application” with “a referral application”.

12 Section 22 amended (Criteria for assessing referral application)

- (1) After section 22(1), insert:

- (1A) For the purposes of subsection (1)(a), the Minister must consider a relevant Government policy statement.
- (2) After section 22(2)(a)(ix), insert:
 (ixa) will promote competition in the grocery industry:
- 13 Section 25 amended (Timing of decision to decline referral application) 5**
 In section 25(1), delete “on the application” in each place.
- 14 Section 29 amended (Pre-lodgement requirements for listed project)**
 Replace section 29(1)(a) with:
 (a) consult the groups referred to in **section 11(1)(a)**; and
 (aa) notify the persons and groups referred to in **section 11(1)(b)**; and 10
- 15 Section 30 amended (Identification of existing resource consent for same activity)**
 (1) In section 30(2), replace “each consent authority that has jurisdiction over an area” with “each regional council that is the consent authority for an area”.
 (2) In section 30(3) to (6), replace “consent authority” with “regional council” in each place. 15
 (3) In section 30(3), replace “by written notice, advise the authorised person” with “within 10 working days after receiving it, notify the authorised person in writing”.
- 16 Section 32 amended (Sections 33 to 36 apply to land exchange) 20**
 (1) In the heading to section 32, replace “33” with “**32A**”.
 (2) In section 32, replace “33” with “**32A**”.
- 17 New section 32A inserted (Pre-lodgement consultation with Director-General of Conservation) 25**
 After section 32, insert:
- 32A Pre-lodgement consultation with Director-General of Conservation**
 (1) Before lodging a land exchange application under section 33, the authorised person for the project must consult the Director-General of Conservation.
 (2) If there is more than 1 authorised person for a project, any 1 of the authorised persons may comply with **subsection (1)** on behalf of all of them. 30
- 18 Section 35 amended (Director-General of Conservation’s report on land exchange)**
 (1) After section 35(1)(d), insert:
 (e) any other person the Director-General of Conservation considers appropriate. 35

- (2) In section 35(2), replace “sections 53(3), 54, and 55” with “sections 54 and 55”.
- (3) After section 35(2), insert:
- (2A) Any comments made by a relevant local authority or a relevant administering agency must be relevant to the proposed land exchange and the report that the Director-General is required to prepare under this section. 5

19 New section 37A inserted (Listed projects proceeding in stages)

Before section 38, insert:

37A Listed projects proceeding in stages

- (1) The authorised person for a listed project that is planned to proceed in stages may make a written request to the Minister for a determination that the authorised person may lodge a separate substantive application for a specified stage of the project. 10
- (2) A request must contain—
- (a) an outline of the nature and timing of the specified stage to which the request relates and any other stages of the project; and 15
- (b) an explanation of how the specified stage meets the criteria in section 22.
- (3) After receiving a request, the Minister may ask the authorised person and any other person or body to provide further information about the specified stage of the project within the time frame specified in the request. 20
- (4) The Minister—
- (a) must consider any information received in response to a request under **subsection (3)** within the time frame specified in the request; and
- (b) is not required to consider any information received after that time frame but may do so, in the Minister’s absolute discretion, as long as the Minister has not already decided whether to make the determination requested. 25
- (5) If the Minister is satisfied that the specified stage of the project would meet the criteria in section 22 if considered as a stand-alone project, the Minister— 30
- (a) may determine that the authorised person may lodge a separate substantive application for that stage; and
- (b) must notify the following of that determination:
- (i) the authorised person for the project;
- (ii) the EPA. 35
- (6) If the Minister is not satisfied that the specified stage of the project would meet the criteria in section 22 if considered as a stand-alone project, the Minister—
- (a) may decline to make the determination requested; and

- (b) must notify the authorised person for the project of the Minister's decision and the reasons for that decision.

20 Section 38 repealed (Minister may determine that project is priority)

Repeal section 38.

21 New section 41A inserted (Minister may determine that project is priority) 5

After section 41, insert:

41A Minister may determine that project is priority

- (1) Before a panel is set up for a substantive application, the Minister may determine that the listed project or the referred project to which the application relates is a priority project— 10
- (a) on application of the authorised person for the project; or
- (b) on the Minister's own initiative but with the written agreement of that authorised person.
- (2) The application must not be made unless any fee, charge, or levy payable under regulations in respect of the application is paid. 15
- (3) The Minister may make the determination if the Minister is satisfied that—
- (a) the project needs to be progressed urgently; and
- (b) there is a risk that a panel may not be set up within a period that reflects the urgency of the project; and
- (c) there is no information before the Minister to indicate that the substantive application would be a competing application. 20
- (4) The Minister must give written notice of a decision under this section, and the reasons for it, to—
- (a) the authorised person; and
- (b) the EPA; and 25
- (c) the panel convener; and
- (d) if the substantive application is to seek an approval described in section 42(4)(f) (land exchange), the Director-General of Conservation.
- (5) If there is more than 1 authorised person for a project, any 1 of the authorised persons may, on behalf of all of them,— 30
- (a) make an application under **subsection (1)(a)**; or
- (b) give the written agreement referred to in **subsection (1)(b)**.
- (6) See **section 50(3)** (which relates to setting up panels for priority projects).

22 Section 42 amended (Authorised person may lodge substantive application for approvals) 35

- (1) After section 42(1)(a), insert:

- (aa) 1 substantive application for a stage of a listed project that the Minister has determined, under **section 37A(5)(a)**, may be lodged as a separate substantive application; or
- (2) In section 42(4)(c), replace “subsection (7)” with “subsections (7) and **(7A)**”.
- (3) Replace section 42(4)(j) with: 5
- (j) an approval, a dispensation, or an authorisation that would otherwise be applied for under any of the following in respect of a complex freshwater fisheries activity:
- (i) regulation 42 of the Freshwater Fisheries Regulations 1983 (culvert or ford): 10
- (ii) regulation 43 of the Freshwater Fisheries Regulations 1983 (dam or diversion structure):
- (iii) regulation 65(2) of the Freshwater Fisheries Regulations 1983 (noxious fish):
- (iv) section 26ZM(2)(a) or (3)(b) of the Conservation Act 1987 (fish salvage activities): 15
- (4) After section 42(7), insert:
- (7A) A substantive application that, under subsection (7), seeks an approval described in subsection (4)(a) or (d) may also seek an approval of that kind in relation to an activity that would not require a resource consent under the Resource Management Act 1991. 20
- (5) In section 42(8), replace “section 35(9)” with “**sections 32A** and 35(9)”.
- 23 Section 43 amended (Requirements for substantive application)**
- (1) Replace section 43(2) with:
- (2) If a substantive application is for a listed project, it must also contain the following: 25
- (a) the information required by section 13(4) (other than section 13(4)(b), (f)(ii) and (iii), and (g)), which applies—
- (i) as if the reference in section 13(4)(k) to **section 11(1)(a)** were a reference to section 29; and 30
- (ii) as if the reference in clause 2 of Schedule 11 to section 12(2) were a reference to section 29; and
- (iii) with any other necessary modifications:
- (b) if the project is planned to proceed in stages,—
- (i) an outline of the nature and timing of the stages; and 35
- (ii) a statement of whether a separate substantive application is to be lodged for each of the stages; and
- (iii) an explanation of how each stage meets the criteria in section 22:

- (c) the information that the applicant provided to the Minister when applying to have the project listed as a listed project.
- (2) In section 43(3)(d), replace “clause 12” with “**clauses 9 and 12**”.
- 24 New section 45A inserted (EPA may provide substantive application to panel convener)** 5
- Before section 46, insert:
- 45A EPA may provide substantive application to panel convener**
- The EPA may, after receiving a substantive application, provide the application to the panel convener at any time before the EPA is required to provide it under **section 47B(2)(b)**. 10
- 25 Section 46 amended (EPA decides whether substantive application is complete and within scope)**
- (1) After section 46(2), insert:
- Further information*
- (2A) The EPA may request further information from the applicant for the purposes of subsection (1). 15
- (2B) If the EPA requests further information from the applicant, the time period specified in subsection (1) ceases to run until the applicant provides the information or until the end of the twentieth working day after the date of the request (whichever occurs first). 20
- (2C) If, in relation to a request for further information, an applicant requests information from the EPA, the EPA must, within any time frame specified by the applicant,—
- (a) provide that information; or
- (b) advise the applicant that the EPA does hold the information but cannot provide it in the specified time frame (if any); or 25
- (c) advise the applicant that the EPA does not hold the information and, if the EPA knows where the information is held, advise the applicant accordingly.
- (2) Replace section 46(3) with: 30
- If substantive application complies with subsection (2)*
- (3) If the EPA decides that the substantive application complies with subsection (2), it must give written notice of the decision to the applicant.
- If substantive application does not comply with subsection (2)*
- 26 Section 47 replaced (EPA makes recommendation on whether there are competing applications or existing resource consents for same activity)** 35
- Replace section 47 with:

- 47 EPA makes recommendation on whether there are competing applications or existing resource consents for same activity**
- (1) The EPA must, in consultation with the relevant administering agencies and relevant consent authorities, make a recommendation to the Minister on—
- (a) whether a substantive application has any competing applications; and 5
 - (b) if a substantive application seeks an approval described in section 42(4)(a) (resource consent), whether there are any existing resource consents of the kind referred to in section 30(3)(a) that are not identified in the substantive application.
- (2) The EPA must make a recommendation under **subsection (1)** within 10 working days after the EPA decides that the substantive application complies with section 46(2). 10
- (3) **Subsection (2)** does not prevent the EPA, before the EPA decides whether the substantive application complies with section 46(2), from undertaking work for the purpose of— 15
- (a) making a recommendation under **subsection (1)**; or
 - (b) if the Minister delegates to the EPA the power to make any or all decisions under **section 47A(1) or (4)**, making that decision or those decisions (*see section 47C*).
- 47A Minister decides whether there are competing applications or existing resource consents for same activity** 20
- Competing applications*
- (1) After receiving a recommendation under **section 47(1)(a)**, the Minister must decide whether the substantive application has a competing application.
- (2) If the Minister decides that the substantive application has a competing application, the Minister must give written notice of that decision to— 25
- (a) the consent authority or administering agency with which the competing application had been lodged; and
 - (b) the applicant.
- (3) The Minister must be notified in writing by the following when a competing application has been determined and any rights of appeal that relate to that application have been exhausted or have expired: 30
- (a) the EPA, if the competing application was made under this Act;
 - (b) the consent authority or administering agency referred to in **subsection (2)(a)**, if the competing application was made under a specified Act. 35
- Existing resource consents for same activity*
- (4) After receiving a recommendation under **section 47(1)(b)**, the Minister must decide whether there are any existing resource consents of the kind referred to in section 30(3)(a) that are not identified in the substantive application.

- (5) If the Minister decides that there are existing resource consents of that kind, the EPA must return the application under section 46(4) (and section 46(5) applies accordingly).

47B Minister gives notice that panel may be set up

- (1) The Minister may notify the EPA in writing that a panel may be set up for a substantive application if the Minister— 5
- (a) either—
- (i) considers that the application has 1 or more competing applications and the Minister has received notice under **section 47A(3)** for each of those competing applications; or 10
- (ii) does not consider that the application has any competing applications; and
- (b) if applicable, decides that there are no existing resource consents of the kind referred to in section 30(3)(a) that are not identified in the application. 15
- (2) On receiving a notice under this section, the EPA must—
- (a) notify the panel convener in writing that a panel may be set up for the substantive application; and
- (b) provide the application to the panel convener, if the EPA has not already done so; and 20
- (c) notify the applicant in writing that the panel convener has been notified under **paragraph (a)**. 25

47C Delegation of decision by Minister

- (1) The Minister may, in writing, delegate to the EPA the Minister's functions, powers, and duties under **section 47A or 47B**. 25
- (2) A delegation under this section—
- (a) is revocable at will, but the revocation does not take effect until it is communicated in writing to the EPA; and
- (b) does not prevent the Minister from performing or exercising the functions, duties, or powers concerned. 30
- (3) If the Minister delegates to the EPA the power to make any or all decisions under **section 47A(1) or (4)**, the EPA must make those decisions within the 10-working-day time frame that applies under **section 47(2)** rather than making recommendations under **section 47(1)**.
- (4) **Subsection (5)** applies if the Minister delegates to the EPA— 35
- (a) the power to make any or all decisions under **section 47A(1) or (4)**; and
- (b) the power to notify under **section 47B(1)**.

- (5) The EPA may comply with **section 47B(2)** without notifying itself of its decision or decisions under **section 47B(1)**.
- 27 Section 48 amended (EPA requests recommendation in relation to aquaculture activities)**
 In section 48(2), replace “provides the substantive application to the panel convener” with “notifies the panel convener under **section 47B(2)(a)**”. 5
- 28 Section 49 amended (EPA obtains section 18 report for listed project)**
 In section 49(2), replace “provides the substantive application to the panel convener” with “receives the substantive application”.
- 29 Section 50 amended (Panel convener sets up panel)** 10
 Replace section 50 with:
- 50 Panel convener sets up panel**
- (1) The panel convener must set up a panel in accordance with Schedule 3 for each substantive application in respect of which the panel convener receives a notice under **section 47B(2)(a)**. 15
- (2) The panel convener must set up the panel within 15 working days after receiving a notice.
- (3) If a substantive application relates to a priority project, the panel convener—
- (a) must set up a panel for that application before setting up a panel for any other substantive application that does not relate to a priority project; but 20
- (b) is not required to pause or delay work that is already underway in setting up a panel for another substantive application, unless the other substantive application is a competing application in relation to the priority application.
- 30 Section 51 repealed (Panel convener obtains other advice and reports)** 25
 Repeal section 51.
- 31 Cross-heading above section 53 replaced**
 Replace the cross-heading above section 53 with:
- Further advice and reports and opportunity for comment*
- 32 New section 52A inserted (Panel obtains other advice and reports)** 30
 Before section 53, insert:
- 52A Panel obtains other advice and reports**
- (1) After receiving documents and information from the panel convener under section 52, the panel must direct the EPA to obtain—

- (a) any advice from the relevant administering agencies that the panel considers will be necessary for it to consider, and make decisions on, the approvals sought in the application; and
- (b) any reports referred to in **subsection (2)**.
- (2) The reports are as follows: 5
- (a) if the substantive application seeks an approval described in section 42(4)(e) (concession) on land that is vested in the Crown, a report prepared by the Director-General of Conservation in accordance with **clause 4 of Schedule 6**: 5
- (b) if the substantive application seeks an approval described in section 42(4)(g) (conservation covenant), a report prepared by the Director-General of Conservation in accordance with clause 43 of Schedule 6: 10
- (c) if the substantive application seeks an approval described in section 42(4)(h) (wildlife approval), a report prepared by the Director-General of Conservation in accordance with clause 3 of Schedule 7: 15
- (d) if the substantive application seeks an approval described in section 42(4)(i) (archaeological authority), reports prepared by Heritage New Zealand Pouhere Taonga and the Māori Heritage Council in accordance with clause 3 of Schedule 8:
- (e) if the substantive application seeks an approval described in **section 42(4)(j)** (complex freshwater fisheries activity approval), a report prepared by the Director-General of Conservation in accordance with clause 4 of Schedule 9: 20
- (f) if the substantive application seeks an approval described in section 42(4)(l) or (m) (access arrangement), a report prepared in accordance with clause 4 of Schedule 11 by the chief executives of the 1 or more departments that administer the land to which the approval relates: 25
- (g) if the substantive application seeks an approval described in section 42(4)(n) (mining permit), a report prepared by the relevant chief executive in accordance with clause 17 of Schedule 11. 30
- (3) A report may, in relation to the relevant approval, include advice on—
- (a) matters relevant to section 82, 83, or 84; and
- (b) whether any of the activities that would be authorised by the approval are ineligible activities.
- (4) Advice or a report requested under **subsection (1)** must be provided to the EPA— 35
- (a) within 10 working days after the panel invites comments under section 53; or
- (b) in the case of a report referred to in **subsection (2)(g)**, within a longer time frame set by the panel. 40

- (5) The EPA—
- (a) must provide electronic copies of the advice or report to—
 - (i) the panel; and
 - (ii) the applicant; and
 - (iii) every person or group that provides comments under section 35 or 53; and
 - (b) in complying with **paragraph (a)(ii) and (iii)**, may withhold information if the EPA is satisfied that there would be good reason to withhold the information under the Official Information Act 1982 if the information were requested under that Act.
- (6) The persons and groups that receive advice or a report under **subsection (5)(a)(iii)** may not make any further comments unless requested by the panel.

33 Section 53 amended (Panel invites comments on substantive application)

- (1) Replace section 53(1) with:
- (1) A panel must, not later than 10 working days after the appointment of all panel members, direct the EPA to invite written comments on a substantive application in accordance with this section.
- (2) Replace section 53(3) with:
- (3) Any comments made by a relevant local authority or a relevant administering agency must be relevant to the substantive application and the decision that the panel is required to make under section 81 on the approvals sought in the application.
- (4) Comments on a particular matter may be invited from any other person or group the panel considers appropriate, but only—
- (a) after checking whether the relevant local authorities or relevant administering agencies intend to comment on the matter; and
 - (b) if—
 - (i) the panel considers that the comments that the relevant local authorities or relevant administering agencies intend to provide will not enable the panel to sufficiently address the matter; or
 - (ii) the relevant local authorities or relevant administering agencies do not intend to comment on the matter.

34 Section 60 amended (When processing of substantive application may be suspended)

- In section 60(1)(b), replace “Minister” with “panel convener”.

- 35 Section 61 amended (EPA may direct suspension in processing substantive application)**
- In section 61(1)(d), replace “section 51” with “**section 52A**”.
- 36 Section 62 amended (Minister may direct suspension in processing substantive application)** 5
- (1) In the heading to section 62, replace “**Minister**” with “**Panel convener**”.
- (2) In section 62(1), (2), (3), and (4), replace “Minister” with “panel convener” in each place.
- (3) In section 62(3)(d), replace “section 51” with “**section 52A**”.
- 37 Section 63 amended (Resumption in processing substantive application following suspension under section 62)** 10
- (1) In section 63(1), replace “Minister” with “panel convener”.
- (2) In section 63(2), (3), and (4), replace “Minister’s” with “panel convener’s”.
- 38 Section 64 amended (Applicant may request suspension of processing of substantive application)** 15
- (1) In section 64(2)(a), delete “under section 46”.
- (2) Replace section 64(3) with:
- (3) When a request is made under subsection (1), the panel convener or, if a panel has been set up, the panel, may suspend the processing of a substantive application at their or its discretion. 20
- (3) In section 64(4),—
- (a) replace “a panel” with “the panel convener or a panel”;
- (b) replace “the panel”, insert “the panel convener or the panel”.
- (4) In section 64(4)(b), replace “section 51” with “**section 52A**”.
- 39 Section 65 amended (Resumption in processing of substantive application following suspension under section 64)** 25
- (1) In section 65, replace “the panel” with “the panel convener or the panel” in each place.
- (2) In section 65(4), replace “a panel” with “the panel convener or a panel”.
- 40 Section 66 amended (Return of substantive application)** 30
- In section 66, replace “a panel” with “the panel convener or a panel” in each place.
- 41 Section 68 amended (Panel may request or commission advice on concession, land exchange, or access arrangement)**
- In section 68(4)(b)(iv), replace “section 51” with “**section 52A**”. 35

42 New sections 68A and 68B and cross-heading inserted

After section 68, insert:

Modification of substantive application

68A Panel may seek Minister's determination on proposed modification

- (1) This section and **section 68B** apply if a substantive application has been lodged and the applicant wishes to modify the application by modifying or withdrawing 1 or more approvals sought in it at any time before the panel makes its decisions on those approvals under section 81. 5
- (2) The applicant must give written notice of the proposed modification to the panel. 10
- (3) After receiving a notice, the panel may, but need not, submit the proposal to the Minister to determine whether the project to which the application relates may proceed in its proposed modified form.

68B Minister's determination

- (1) The Minister, on receiving a proposal under **section 68A(3)**, may determine that the project to which the substantive application relates may proceed in its proposed modified form if satisfied that the project still has significant regional or national benefits. 15
- (2) Before making a determination, the Minister—
- (a) may request further information about the application from the applicant or any other person to be provided within the time frame specified in the request; and 20
- (b) must consider any information received within that time frame; and
- (c) is not required to consider any information received after that time frame, but may do so, in the Minister's absolute discretion, as long as the Minister has not already made the determination. 25
- (3) If the Minister determines that the application may proceed in its proposed modified form,—
- (a) the Minister must notify the panel and the EPA of the determination; and
- (b) the panel must notify— 30
- (i) the applicant; and
- (ii) any persons and groups invited under section 53 to make written comments on the application; and
- (iii) any persons and groups invited under section 35 to make written comments on any proposed land exchange relating to the application; and 35
- (c) the application resumes.

- (4) If the Minister determines that the application may not proceed in its proposed modified form, the Minister must—
- (a) notify the panel and the parties of the determination and the reasons for it; and
 - (b) direct the applicant to—
 - (i) proceed with the application in its original form; or
 - (ii) consider giving notice to the panel under **section 68A** in relation to a different modification of the application; or
 - (iii) withdraw the application.
- (5) Any time frame under this Act that relates to the processing of an application excludes the period between the day on which the panel receives a notice under **section 68A** and the day on which the Minister notifies persons and bodies of a determination under this section.
- 43 Section 72 amended (Panel seeks comments from Minister for Māori Crown Relations: Te Arawhiti and Minister for Māori Development)**
- After section 72(1), insert:
- (1A) The panel may comply with subsection (1) at the same time as it complies with section 70(1).
- 44 Section 79 amended (Timing of panel decisions)**
- (1) Replace section 79(2)(b) with:
- (b) be a time frame that—
 - (i) the panel convener considers is appropriate, having regard to the scale, nature, and complexity of the approvals sought in, and any other matters raised by, the substantive application; but
 - (ii) does not exceed 60 working days after the date specified under section 54 for receiving comments under section 53, unless the applicant agrees in writing to the time frame; and
- (2) In section 79(2)(c), after “relevant administering agencies”, insert “and relevant local authorities”.
- 45 Section 81 amended (Decisions on approvals sought in substantive application)**
- (1) Before section 81(2)(a), insert:
- (aaa) must, if the substantive application relates to an unlisted project, consider the Minister’s reasons for accepting the referral application that are stated in the notice given by the responsible agency under section 28(1):
 - (aab) must consider a relevant Government policy statement:
- (2) In section 81(2)(a), replace “section 51, 52” with “section 52, **52A**”.

- (3) After section 81(2)(e), insert:
 (ea) may impose conditions under **section 84A**:
- (4) In section 81(6)(a), replace “section 51” with “**section 52A**”.
- 46 New section 84A inserted (Conditions relating to infrastructure)** 5
 After section 84, insert:
- 84A Conditions relating to infrastructure**
- (1) The panel may set conditions to ensure that the infrastructure in the project area or other infrastructure the project will rely on is or will be made adequate to support— 10
 (a) the project; or
 (b) the stage of the project to which the application relates.
- (2) This section applies in addition to, and does not limit, any other powers to set conditions under this Act.
- 47 Section 88 amended (Issue, service, and publication of decision documents)**
- (1) In section 88(1), delete “at the same time”. 15
 (2) After section 88(1), insert:
 (1A) Decision documents for 2 or more approvals sought in a substantive application may be issued at the same time or at different times at the discretion of the panel issuing them.
- 48 New section 93A inserted (Directions to EPA)** 20
 After section 93, insert:
- 93A Directions to EPA**
- (1) The Minister may give a general direction to the EPA in relation to the EPA’s performance and exercise of its functions, duties, and powers under this Act.
- (2) **Subsection (1)** does not authorise the Minister to give a direction about the performance and exercise of functions, duties, and powers in relation to a particular substantive application. 25
- (3) The Minister must—
 (a) notify the direction in the *Gazette*; and
 (b) make the direction available on an internet site administered by or on behalf of the EPA; and 30
 (c) present a copy of the direction to the House of Representatives.
- (4) Before giving a direction under **subsection (1)**, the Minister must comply with section 115(1) of the Crown Entities Act 2004.

- 49 Section 94 amended (Use of specified Act to apply for approval)**
- Replace section 94(2)(b) with:
- (b) are notified by the EPA that the panel convener has been notified under **section 47B(2)(a)**.
- 50 Section 99 amended (Appeal against decisions only on question of law)** 5
- Replace section 99(1)(d) with:
- (d) any person or group that provided comments in response to an invitation given under section 17(1) or 53(2) or any of section 35(1)(a) to (d).
- 51 Section 104 amended (Cost recovery)**
- In section 104(1) to (3), after “actual and reasonable costs”, insert “(determined in accordance with regulations made under section 108, if any)” in each place. 10
- 52 Section 106 amended (Methods of cost recovery)**
- Replace section 106(2) with:
- (2) Interest accruing from the fees, charges, and levies described in subsection (1) in the period after payment is retained by the EPA and applied to any 1 or more of the costs that may be— 15
- (a) recovered under section 104:
- (b) met under section 109(1)(a) by the imposition of a levy.
- 53 Section 108 amended (Regulations may set fees, charges, and contributions)** 20
- (1) Before section 108(1)(a), insert:
- (aaa) provide for the costs that may be recovered under section 104(1), (2), or (3), including by—
- (i) setting upper limits:
- (ii) setting out criteria for the quantification of costs: 25
- (iii) excluding certain categories of costs from the costs that may be recovered:
- (2) After section 108(1)(h), insert:
- (i) provide for, or set out, a dispute resolution process in relation to costs sought to be recovered under section 104: 30
- 54 New section 117A inserted (Order in Council to amend description in Schedule 2)**
- After section 117, insert:

117A Order in Council to amend description in Schedule 2

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, amend Schedule 2 to amend—
- (a) the project description of a listed project:
 - (b) the description of the approximate geographical location of a listed project. 5
- (2) The Minister must not make the recommendation unless the Minister is satisfied that the scope of the listed project will not be substantially different as a result of the amendment, taking into account—
- (a) the significant regional or national benefits of the project; and 10
 - (b) the purpose of the project; and
 - (c) the location, scale, and nature of the works involved in the project.
- (3) To avoid doubt, no new items may be inserted into Schedule 2 by an Order in Council made under this section.
- (4) An Order in Council made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 15

Part 2**Amendments to schedules****55 Schedule 2 amended**

- (1) In Schedule 2, shoulder reference, replace “117” with “117, **117A**”. 20
- (2) In the Schedule 2 heading, after “**projects**”, insert “**with significant regional or national benefits**”.
- (3) In Schedule 2, item relating to Stella Passage Development,—
- (a) third column, after “Sulphur Point wharf”, insert “and Mount Maungani wharf”: 25
 - (b) fourth column, replace “8.5 hectares of the coastal” with “Coastal”.

56 Schedule 3 amended

- (1) In Schedule 3, replace clause 3(2) with:
- (2) Before appointing the members of a panel, the panel convener—
- (a) may, but need not, consult— 30
 - (i) the Minister; and
 - (ii) the Secretary for the Environment; and
 - (iii) the EPA, if the panel is set up for a substantive application that seeks an approval described in section 42(4)(k) (marine consent); 35

- (b) must notify the following of the names of all prospective panel members:
- (i) the applicant in relation to the substantive application:
 - (ii) the relevant local authorities.
- (2) In Schedule 3, after clause 3, insert: 5
- 3A Applicant or local authority may raise concerns about prospective panel member**
- (1) This clause applies to an applicant or a local authority that has been notified of the names of prospective panel members under **clause 3(2)(b)**.
- (2) If the applicant or local authority has reasonable grounds to be concerned about the suitability of a prospective member of the panel, they may raise those concerns with the panel convener before the prospective member is appointed. 10
- (3) The panel convener must—
- (a) notify the prospective panel member about any concerns raised and invite them to make written comments; and 15
 - (b) seek advice from the Secretary for the Environment about the concerns.
- (4) The prospective member must provide their written comments to the panel convener within 5 working days after being invited to comment.
- (5) The Secretary must, within 5 working days after their advice is sought, advise the convener about the prospective panel member’s suitability having regard to that person’s expertise, impartiality, and previous involvement in any matter that is related to the substantive application. 20
- (6) The panel convener must not appoint the prospective panel member to the panel without first considering—
- (a) any comments received from the prospective panel member; and 25
 - (b) the Secretary’s advice.
- (7) If the panel convener decides to appoint the prospective panel member about whom concerns are raised, the time frame under **section 50(2)** that relates to the setting up of a panel excludes the period between—
- (a) the day on which the applicant or the local authority raises concerns with the panel convener under this clause; and 30
 - (b) the day on which the panel convener—
 - (i) appoints the member to the panel; or
 - (ii) decides not to appoint the member to the panel.
- (3) In Schedule 3, clause 4(1), replace “a suitably qualified lawyer or planner with experience in relevant law” with “a suitably qualified lawyer or resource management planner”. 35

- (4) In Schedule 3, clause 4(7), replace “subclause (1), (2), (3), or (6)” with “subclause (1), (2), or (3)”.
- (5) In Schedule 3, clause 5(5)(b), replace “section 51” with “**section 52A**”.
- (6) In Schedule 3, clause 7(1)(a)(i), after “application”, insert “, including knowledge, skills, and expertise in the sector to which the application relates (for example, mining or quarrying, housing and land development, or aquaculture)”.
- (7) In Schedule 3, replace clause 13 with:
- 13 Liability of panel convener, associate panel convener, and members**
- (1) The panel convener or an associate panel convener is not liable for anything that they do or omit to do in good faith in performing or exercising their functions, duties, or powers under this Act.
- (2) The members appointed to a panel are not liable for anything that a member does or omits to do in good faith in performing or exercising the functions, duties, or powers of the panel.
- Compare: 2020 No 35 Schedule 5 cl 12; 2023 No 46 Schedule 10 cl 51
- 57 Schedule 5 amended**
- (1) In Schedule 5, after clause 4, insert:
- 4A Information about standard freshwater fisheries activity**
- The information required to be provided under **section 13(4)(y)(vi)** is the following:
- (a) whether an in-stream structure is proposed (including formal notification of any dam or diversion structure) and the extent to which the proposed structure may impede fish passage; and
- (b) whether any fish salvage activities are proposed.
- (2) In Schedule 5, clause 5(1)(k), replace “the conditions” with “any conditions”.
- (3) In Schedule 5, replace clause 9 with:
- 9 Information required in application including standard freshwater fisheries activity**
- For the purposes of section 43(3)(a) and (d), an application for a resource consent or a notice of requirement for a project that includes a standard freshwater fisheries activity must include the following information:
- (a) in relation to the structure and any fish facility:
- (i) a description of the type of structure or fish facility:
- (ii) the dimensions of the structure or fish facility:
- (iii) the design of the structure or fish facility:
- (iv) the placement of the structure or fish facility:

- (v) the water flows:
- (vi) the operating regime:
- (b) the freshwater species and values present (with particular focus on threatened, data-deficient, and at-risk species as defined in the New Zealand Threat Classification System): 5
- (c) the water quality and quantity in the surrounding habitat (at the proposed structure location, upstream and downstream):
- (d) how the passage of fish will be provided for or impeded.
- (4) In Schedule 5, clause 12(1)(a), after “description”, insert “and map”.
- (5) In Schedule 5, replace clause 12(1)(f)(ii) with: 10
- (ii) each occupier of the land to which the notice of requirement relates and of land adjacent to that land whom the requiring authority is able to identify after reasonable inquiry; and
- (6) In Schedule 5, clause 19(1)(a), after “1983”, insert “(culvert or ford)”.
- (7) In Schedule 5, clause 19(1)(b), after “1983”, insert “(dam or diversion structure)”. 15
- (8) In Schedule 5, clause 19(1)(c), after “1983”, insert “(noxious fish)”.
- (9) In Schedule 5, clause 19(1)(d), after “1987”, insert “(transfer or release of live aquatic life)”.
- (10) In Schedule 5, clause 26(3), after “lapses”, insert “2 years”. 20
- 58 Schedule 6 amended**
- (1) In Schedule 6, replace clause 4 with:
- 4 Report by Director-General of Conservation**
- (1) The report referred to in **section 52A(2)(a)** (concession) must— 25
- (a) address the matters in clause 7(1) (except clause 7(1)(a)(i), (vii)(B), and (viii)(B)); and
- (b) include any conditions that the Director-General of Conservation considers appropriate to be imposed by the panel under clause 8.
- (2) For the purposes of this clause, the provisions referred to in clause 7(1) must be read with all necessary modifications, including that a reference to the Minister of Conservation in section 17U of the Conservation Act 1987 or section 49 of the National Parks Act 1980 must be read as a reference to a panel. 30
- (2) In Schedule 6, clause 14(2), replace “a variation to or an extension of” with “a variation to, an extension of, or a transfer of”.
- (3) In Schedule 6, clause 15(2), replace “a variation to or an extension of” with “a variation to, an extension of, or a transfer of”. 35

- (4) In Schedule 6, clause 16(2), replace “a variation to or an extension of” with “a variation to, an extension of, or a transfer of”.
- (5) In Schedule 6, clause 17(2),—
- (a) replace “a variation to or an extension of” with “a variation to, an extension of, or a transfer of”: 5
 - (b) replace “as if it were a variation of” with “as if it were a variation of, an extension of, or a transfer of”.
- (6) In Schedule 6, clause 17(3),—
- (a) replace “a variation of or an extension to” with “a variation to, an extension of, or a transfer of”: 10
 - (b) replace “as if it were a variation of” with “as if it were a variation of, an extension of, or a transfer of”.
- (7) In Schedule 6, clause 23(1)(c), delete “, including an explanation of why the exchange would benefit the conservation estate”.
- (8) In Schedule 6, after clause 23(1), insert: 15
- (1A) The description of conservation values under subclause (1)(c) must include—
- (a) an explanation of why the exchange would benefit the conservation estate; and
 - (b) details of anything registered or noted for conservation purposes on the record of title for the land to be acquired by the Crown. 20
- (9) In Schedule 6, after clause 24(e), insert:
- (ea) a summary of—
 - (i) the consultation undertaken for the purposes of **section 32A**; and
 - (ii) how the consultation has informed the project:
- (10) In Schedule 6, replace clause 26(1)(a) with: 25
- (a) the conservation values of the land concerned, including—
 - (i) how threatened or abundant they are; and
 - (ii) a comparative assessment of the values that relate to each area of land concerned; and
 - (iii) an explanation of why the exchange would benefit the conservation estate; and 30
 - (iv) the impact of anything registered or noted for conservation purposes on the record of title for the land; and
- (11) In Schedule 6, clause 29(2), replace “land managed by the Department of Conservation” with “conservation areas and Crown-owned reserves considered as a whole”. 35
- (12) In Schedule 6, after clause 29(2), insert:

- (2A) When considering the conservation values of the land to be acquired by the Crown, for the purpose of forming its view under subclause (2), the panel must discount the extent to which the conservation values of that land are affected by anything registered or noted for conservation purposes on the record of title for that land. 5
- (13) In Schedule 6, replace clause 32(1)(b) with:
- (b) the applicant is required to undertake or bear the cost of any improvements to the land acquired by the Crown that the panel thinks necessary as part of ensuring that the land exchange will enhance the conservation values of conservation areas and Crown-owned reserves considered as a whole. 10
- (14) In Schedule 6, replace clause 34(3) with:
- (3) Money received under clause 30 for the purposes of the panel’s decision under clause 29(2) must be used on improvements to the land acquired by the Crown that were necessary to satisfy the panel in accordance with clause 29 that the land exchange would enhance the conservation values of conservation areas and Crown-owned reserves considered as a whole. 15
- (15) In Schedule 6, clause 43, replace “section 51(2)(b)” with “**section 52A(2)(b)**”.
- 59 Schedule 7 amended** 20
- (1) In Schedule 7, clause 1, after “sections”, insert “56(1),”.
- (2) In Schedule 7, clause 3, replace “section 51(2)(c)” with “**section 52A(2)(c)**”.
- (3) In Schedule 7, in the heading to clause 7, after “**variation**”, insert “, **replacement, or transfer**”.
- (4) In Schedule 7, clause 7(2), replace “vary or replace” with “vary, replace, or transfer”. 25
- 60 Schedule 8 amended**
- In Schedule 8, clause 3, replace “section 51(2)(d)” with “**section 52A(2)(d)**”.
- 61 Schedule 9 amended**
- (1) In Schedule 9, the heading to clause 2, delete “**standard or**”. 30
- (2) In Schedule 9, clause 2, replace “section 13(4)(y)(vi)” with “**section 13(4)(y)(via)**”.
- (3) In Schedule 9, clause 2(b), delete “fish salvage activities or”.
- (4) In Schedule 9, clause 4, replace “section 51(2)(e)” with “**section 52A(2)(e)**”.
- 62 Schedule 11 amended** 35
- (1) In Schedule 11, clause 4, replace “section 51(2)(f)” with “**section 52A(2)(f)**”.

- (2) In Schedule 11, clause 17, replace “section 51(2)(g)” with “**section 52A(2)(g)**”.
- (3) In Schedule 11, replace clause 20(1)(a) with:
- (a) 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) apply; and 5
- (4) In Schedule 11, clause 20(1)(f), replace “operator has or is likely to have, by the time relevant work undertaken under a permit is completed” with “operator has or is highly likely to have, by the time relevant work under a permit is undertaken”. 10