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Environment Committee
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Submission on the Fast-track Approvals Amendment Bill

Introduction

As one of the leading environmental Non-Governmental Organisations (eNGOs) in Aotearoa New Zealand, World Wide Fund for Nature New Zealand (WWF) supports science-based, pragmatic solutions that can deliver a future where humanity lives in harmony with nature.

We are disappointed that given the Bill is complex, technical, and has far-reaching implications the Government expects stakeholders to review it thoroughly and provide considered feedback in such a limited timeframe. The continued pattern by this Government to rush through legislation bypassing due process undermines the principles of proper democratic consultation.

The Fast-track Approvals Act 2024 marked a significant departure from established principles of good resource management governance, including the need to uphold environmental protection, enable appropriate public participation, and ensure a just and transparent process. The Fast-track Approvals Amendment Bill further weakens the few remaining and fragile safeguards in the system. Far from addressing technical issues or policy objectives such as grocery sector competition, the Bill introduces a suite of substantive changes that expand ministerial powers, curtail public, tangata whenua and expert input, and undermine the independence of decision-makers. WWF strongly opposes the Bill.

Concentration of ministerial power bypasses independent scrutiny

A key concern arises from the proposal to enable the Minister for Infrastructure to issue a Government Policy Statement (GPS) specifying the “regional or national benefits” of certain project types. Because this concept is central to determining eligibility for fast-tracking and assessing the proportionality of project benefits and adverse effects, the ability to define it through a GPS effectively allows Ministers to dictate outcomes.

This could mean that projects deemed to meet the criteria set out in a GPS, such as certain levels of employment or economic contribution, would automatically qualify as beneficial, circumventing independent evaluation by expert panels and preventing scrutiny from local authorities or tangata whenua. There are no safeguards around the preparation or scope of the GPS. It could be issued without public consultation and could claim “national significance” of particular industries, such as mining, regardless of their environmental or social costs. This approach reintroduces the very ministerial influence over project outcomes that was deliberately excluded from the Fast-track Approvals Act after strong public objection.

Another example of Ministerial overreach is the ability for the Minister for Infrastructure to approve modifications to a project application after it has already been lodged or referred. This would allow projects to be significantly altered as long as the Minister is satisfied that the modified project has “significant national or regional benefits.” This bypasses key safeguards, such as the requirement to provide full information about affected parties or potential breaches of the Resource Management Act (RMA). As consequence, modified applications would be subject to a lower level of scrutiny than original applications. This loophole could incentivise applicants to submit smaller or less controversial proposals initially, then seek major changes later through ministerial approval.

Perhaps most concerning are provisions allowing Ministers to direct the Environmental Protection Authority (EPA) in its performance of statutory functions, and to amend the descriptions of projects listed in primary legislation by Order in Council. This undermines the EPA’s independence and permits the Minister to alter Acts of Parliament without full legislative scrutiny.

Reduced timeframes and cutting of public and expert participation weakens democratic fairness

The Bill would further reduce already constrained timeframes for consultation and decision-making. The period for agencies to comment on referral applications would shrink from 20 to 15 working days, while panels deciding substantive applications would be limited to 60 working days regardless of project scale or complexity. This is totally inadequate and limits meaningful input from stakeholders.

The Bill also appears to give applicants undue influence over independent panels by giving them the ability to challenge the “suitability” or impartiality of panel members. This risks an applicant being able to manipulate the panel in favour of certain outcomes, which potentially can reduce environmental expertise input on the panel.

Public participation is already minimal under the Fast-track Approvals Act and would be further restricted by this Bill, which aims to significantly restrict the ability of expert panels to seek input from community groups, NGOs, and other stakeholders. Panels would only be able to invite input from NGOs, community groups, or other stakeholder where local authorities or government agencies do not intend to address a matter. This essentially excludes community voices and reduces the diversity and robustness of information available to panels.

Community members and groups directly affected by projects could be denied participation even where significant impacts are likely. The cumulative effect would be to erode checks and balances on decision-making, increasing both environmental risk and the potential for costly legal challenges. The Bill also introduces restrictions on stakeholders from pursuing legal challenges, even when they have contributed relevant input.

Summary

WWF considers that the Fast-track Approvals Amendment Bill represents a regressive step for environmental governance in Aotearoa New Zealand. Its provisions appear motivated less by the stated goal of improving grocery sector competition and more by an intention to accelerate politically favoured projects, particularly in the extractive industries. The Bill would further weaken environmental protection and concentrate decision-making power in the hands of Ministers with little or no public oversight. These are not technical amendments but fundamental shifts that endanger both environmental integrity and democratic governance. WWF strongly opposes this Bill and affirms that the Fast-track Approvals Act itself remains deeply flawed and should be fundamentally reconsidered or repealed.