



## **Nelson Tasman Climate Forum**

### **Submission on Fast-track Approvals Amendment Bill**

**Prepared by NTCF Submissions Group**

**17 November 2025**



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## Introduction

1. The [Nelson Tasman Climate Forum](#) (NTCF) is a volunteer-led, apolitical climate action initiative, registered as a non-profit partner under the Tasman Environmental Trust. We work alongside tangata whenua as kaitiaki of the rohe and as partners under Te Tiriti o Waitangi.
2. NTCF aims to weave the community together around urgent, strategic action to achieve the following goals:
  - rapidly reduce the region's greenhouse gas emissions, increase carbon sequestration and undertake other climate stabilising initiatives, consistent with the urgency of the situation
  - adapt to the likely adverse environmental effects of climate change and the resulting social and cultural effects, using inclusive and responsible decision-making to support these desirable outcomes
  - respond to climate change in a way that recognises the rights of all living organisms, including people, and provides for a just, equitable, and resilient society. <sup>1</sup>
3. Over the past five years, NTCF volunteers have carried out over 30 community projects. These include monthly Repair Cafés in Whakatū Nelson, Motueka and Tākaka, a yearly Climate Action Festival, a climate action campaign called [Take the Jump](#), art events and photography exhibitions, active transport projects with students and employees, an annual Climate Camp for intermediate students, a Climate Action Plan for the region, waste reduction projects, letter writing campaigns, government and Council submissions, and the protection and restoration of native habitats.
4. NTCF members are painfully aware of the nature of the climate crisis and its risks to humanity (especially the poor and vulnerable) and the planet's biodiversity (e.g. [global tipping points](#)). The years 2023 and 2024 were the two hottest years on record, [1.45 °C](#) and [1.55 °C](#) above pre-industrial levels, an unprecedented leap of global temperature exceeding 0.4 °C. This signals an [earlier than expected breach](#) of the Paris Agreement 1.5 °C threshold, as determined by the International Court of Justice in its recent ruling on the [Obligations of States in respect of climate change](#). [Global warming projections](#) over this century, based on

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<sup>1</sup> Whilst the Nelson City Council and Tasman District Council have both signed the Nelson Tasman Climate Forum Charter, this submission has been prepared completely independently of the Councils. This submission is in no way intended and nor should be construed to represent the views of either Council in any way.

full implementation of Nationally Determined Contributions (NDCs), are now 2.3-2.5 °C, whereas if current national and international actions continue to be pursued, we will see a disastrous 2.8 °C temperature rise.

5. NTCF [submitted in opposition](#) to the Fast-track Approvals Bill, advocating it endangered Aotearoa's natural environment and unique biodiversity, social cohesion, our international reputation (including our commitment to the Paris Agreement), and our democracy. A number of our members also submitted personally on the Bill.
6. Many of our deep concerns remain in the Act: no requirement to take account of Te Tiriti o Waitangi; an optional requirement only to consider greenhouse gas emissions mitigation (particularly in relation to highly intensive emissions activities such as coal mining, major road projects, waste incineration, and large-scale housing and commercial developments); tight decision-making timeframes; and very narrow consultation and decision-making requirements and rights of appeal.
7. We acknowledge the [EDS submission](#) on the Bill in helping to formulate our submission.

## Inadequate Consultation Period

8. The Bill was notified on 7 November 2025, with submissions closing 2 pm on 17 November 2025. This allows for just seven working days (at best) for the public to prepare submissions.
9. NTCF has a submissions membership endorsement process that requires at least 2–3 weeks. The short time to submit on this Bill precluded undertaking this and engaging our membership generally.
10. We **submit** that the submission period for such a significant Bill is an affront and further erodes public trust in the democratic processes that are central to us human beings functioning successfully as a society.
11. This submission is presented in the name of the NTCF submissions group.

## Specific Provisions in the Bill

### Grocery competition

12. The Bill as described in its general policy statement purports to be about promoting grocery competition and includes 'specific technical and machinery changes to the FTAA and its

processes, informed by feedback from current system users’. **This is disingenuous.** The single reference to grocery competition in the entire Bill amounts to seven words, to add to FTAA Section 22(2)(a): ‘(ixa) will promote competition in the grocery industry’.

### **Government policy statements will negate independent assessment of applications**

13. The purpose of a government policy statement (GPS) proposed under Clause 5 is to state the Government’s policies about the regional or national benefits of certain types of infrastructure or development projects.
14. This matter is important as regional or national benefits are critical to accepting referral applications (Section 22 FTAA) and when panels are deciding on a substantive application (Sections 81 and 85 FTAA).
15. We note the term is not defined in the principal Act. Our atmosphere is a global commons, and our biodiversity is a global treasure. Their protection are inescapably issues of global cooperation. In our view ‘significant national and regional benefits’ needs to be seen in this light.
16. A potential effect of this proposed amendment is to provide the Minister with opportunity to dictate that certain projects have regional or national benefits, narrowly construed at that. This could remove or reduce the onus on applicants to demonstrate regional or national benefits, and for testing of a project’s benefits by submitters and independent expert panels.
17. Whether a GPS needs to account for just gross costs, or all (i.e. net) costs and benefits (e.g. social costs of carbon), is not stated. No public consultation on the Government’s GPS is provided for.
18. In effect, the GPS approach takes the Minister one step closer to the original intent of the FTAA - to ensure Ministers have almost sole decision-making authority on projects. This would negate the role of independent panels. It would fly in the face of the public outcry over the risks associated with Ministerial decision-making, which was dropped in the passing of the FTAA.
19. We **request** Clause 5 (and consequential parts) be deleted from the Bill.

### **Modification of substantive applications (Clause 42) would permit project scope creep**

20. Clause 42 proposes to give the Minister the power to approve a ‘modification’ to a substantive application after it has been lodged, at the request of an applicant. This means

that a project could be significantly altered after it has been listed in Schedule 2 of the FTAA or after it passes the referral gateway.

21. The only test for approving such an application is whether the Minister is 'satisfied that the project still has significant regional or national benefits'.
22. This would enable modified proposals to bypass the information requirements of Section 13 of the FTAA, and the modification is subject to a narrower test than original referral decisions under Section 22 of the FTAA. Modified applications would not need to list persons and groups likely to be affected by the change, whether new aspects of the application are prohibited under the RMA, whether the modification renders the application ineligible. Nor would they need to demonstrate that the fast-track process is necessary to facilitate delivery of the project or how it might affect the efficient operation of other fast-track approvals.
23. This would set up a moral hazard, encouraging applicants to make modest applications when initially seeking referral and to seek Ministerial approval for extensive modification later.
24. We **request** Clause 42 be amended so that modifications cannot be approved if they *materially expand* the scope of a proposal.

#### **Reduced timeframes will further erode the quality of decisions**

25. Clause 9 proposes to reduce the time in which comments on a referral application must be provided from 20 working days to 15 working days. This provides very little time for meaningful comment from the limited range of bodies from which comment must be sought (such as our local Councils), who are already under enormous pressure.
26. Clause 44 proposes a maximum of 60 working days timeframe for panels to reach a final decision on an application, as opposed to 'a time frame that 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' (Section 79 FTAA).
27. This decision timeframe is arbitrary and too short for complex and large projects having potentially extensive and long-term environmental impacts. The condensed timeframes will affect the quality of information, decisions and conditions, and may increase the risk of judicial review.
28. We **request** the two timeframes in the FTAA be retained as is.

## **Constrained standing will further erode participation and checks and balances on decision-making**

29. Under Section 53 (3) of the FTAA, a panel can invite comment from anyone it considers 'appropriate'. This includes NGOs and community groups. Clause 33(2) of the Bill proposes to constrain this discretion by only allowing a panel to invite such comments where a local authority or relevant administering agency does not 'intend' to cover a particular matter, or if their intended comments would not 'sufficiently' address the matter.
30. Further, clauses 6 and 14 of the Bill propose that applicants for referred and listed projects no longer need to consult with councils before lodging an application with the EPA. Instead, there would only be an obligation to **notify** councils of an application. This could occur on the day of lodgement with the EPA and does not necessarily involve provision of the application itself (notification could simply be a 'heads up' that the application is being lodged).
31. These provisions are a fundamental change to the FTAA in terms of public involvement and are highly concerning. The effect is that councils are expected to provide all relevant information on behalf of their communities and the public interest for large, complex and technical proposals but with less time to prepare. This is a huge responsibility.
32. To illustrate, whereas the people of Golden Bay previously held some hope of being able to bring directly to a fast-track panel their great concerns of a proposed gold mine at Sams Creek (Kahurangi) causing very long-term arsenic contamination of the groundwater system of the Takaka Valley (upon which rural and urban residents rely for their water supply) and of the Te Waikoropupū Springs (which is a major tourism attraction and after much effort was recently protected by a Water Conservation Order), there is risk now that their collective voice and expertise [will be cut out of the decision-making process](#), and cannot be adequately represented by the local Council. There is a strong sense of injustice that they will not be permitted to have their voices heard, while investors in the mining company (Siren Gold) will stand to benefit financially but won't have to bear the consequences of arsenic poisoning risk to their own water supplies. Further, we understand there is uncertainty within the local Council as to whether their role is as an advocate or decision-maker.
33. Similarly, we have a strong sense of injustice that public interest / civic society organisations will under this Bill not be able to represent the views of the many people in Aotearoa [who wish to see the unique and precious biota and ecosystems](#) of the Dennison Plateau protected, not irreparably damaged by coal mining.

- 34. We endorse the detailed comments of the EDS submission on this matter.
- 35. We **request** Clause 33 (2) be deleted, and that Section 53 (3) of the FTAA be retained and strengthened.
- 36. We **request** the scope and purpose of council comments be clarified via the Bill irrespective of what happens with clause 33.

#### **Appeal rights are inappropriately constrained**

- 37. Clause 50 of the Bill proposes to prevent appeals on points of law from anyone invited to provide comment by the Minister (for a referral decision) or by a panel (for a substantive decision), unless they are a person from which the Minister/panel 'must' invite comments. In practice, this would prevent NGOs and community groups from appealing to the High Court on points of law, even if they provided comments on the project.
- 38. This is likely to backfire, since it would simply channel litigants into judicial review, which may take longer and be more costly to resolve.
- 39. We **request** that clause 50 be deleted.

#### **Applicants could unduly influence the composition of decision-making panels**

- 40. Clause 56 (2) would enable an applicant (or local authority) to raise 'concerns' with the panel convener about the 'suitability' of a prospective member of a panel. This could extend to questioning the impartiality of a prospective member. Because any questioning of a prospective member's impartiality would open up a decision to legal challenge, this becomes essentially a veto power.
- 41. We **endorse** the EDS proposal that Clause 56 (2) address the issue of potential conflicts of interest.

#### **Clarification of cost recovery provisions**

- 42. We are aware of the very significant financial constraints that our local Nelson City Council and Tasman District Council operate under. The effect of the Act and the Bill is that local authorities become the voices of their communities. Councils deal with a very wide range of functional areas and are often stretched in finding needed expertise. Faced with often complex issues and tight deadlines under the FTAA, they will need to be able to access technical expertise quickly and confidently. Otherwise there will be risk of transfers of



impacts and effects from projects that developers may benefit from onto the rest of society i.e. socialising the costs.

43. We **request** that the cost recovery provisions for Councils, adequate to their responsibility, be clarified in the Bill.

## Conclusions and Recommendation

44. Contrary to the general policy statement of the Bill, its focus is not on grocery competition but technical and machinery changes to the FTAA. These are said not to substantially alter the FTAA's decision-making framework, but we consider the Bill will further the already highly constrained level of community participation and risk substantially impacting the quality of decision-making.
45. We expect the Bill's provisions will result in even less scrutiny, than under the principal Act, of projects that will have high emissions and biodiversity impacts and impacts on communities (e.g. major roading projects, coal mining, gold mining, waste incineration); and that they will contribute to the erosion of public trust that is essential in the democratic processes central to us human beings functioning successfully as a society. Many of the projects whose passage will be facilitated by this Bill will have long-term and often permanent impacts on our environment and future generations (who have no voice).
46. We **recommend** the Committee closely examine the specific changes we have identified in our submission.
47. We thank the Environment Select Committee for the opportunity to present our submission on this Bill and for your consideration of our contribution.