

Property Council New Zealand

Submission to the Environment Committee on the Fast-track Approvals Amendment Bill

17 November 2025

For more information and further queries, please contact
Leonard Hong leonard@propertynz.co.nz 021 160 0407

17 November 2025

Committee Secretariat of the Environment Committee

Via online: en.legislation@parliament.govt.nz

Submission to the Ministry for the Environment on the Fast-Track Approvals Amendment Bill.

1. Summary

- 1.1. Property Council New Zealand (“Property Council”) welcomes the opportunity to submit on the Fast Track Approvals Amendment Bill (“The Bill”) to the Environment Committee.
- 1.2. Property Council supports the Bill, which adopts a more permissive approach for commercial, industrial, and retail development projects that offer significant regional or national benefits. Enhancing the efficiency of the Fast Track Approvals Act (“the Act”) ensures the streamlining and speeding of decision-making of consents for significant development projects. The property sector relies on predictable and transparent processes that can accelerate development while maintaining due diligence and ensuring compliance.

2. Recommendations

- 2.1. At a high level, we recommend that the Bill proceed with adjustments. We make the following recommendations:
 - Ensure Ministerial decision-making remains project-neutral, with assessments guided by clear statutory criteria, contingent on the undertaking of an efficient and proportional process;
 - Align the Government Policy Statement (GPS) framework to explicitly prioritise not only the grocery sector but also urban development, commercial offices, industrial development, housing supply, and enabling infrastructure;
 - Clear statutory guidance is provided to the public, aligning future Government Policy Statements (GPS) with the National Policy Statement (NPS) framework to prevent policy conflicts;
 - Amend Section 14 to extend the five-day timeframe to 10 working days or allow it to restart by mutual agreement once applicants provide adequate information;
 - Ministerial requests for additional information under Section 37A should be proportionate to the scale and complexity of the project and to ensure such requests are reasonable to the applicant, do not impose unnecessary compliance costs, delay decision-making timelines, or require a significant rewrite.
 - We recommend maintaining flexible decision periods and enabling Panels to exercise limited discretion in extending deadlines where justified.

- We recommend that the appointments of the Expert Panels possess the necessary knowledge, skills, and experience in the relevant sector, including technical, economic, and planning expertise, to support timely and credible decision-making;
- Allow Panels to occasionally seek feedback on technical or material matters, leveraging their collective expertise to gather relevant information from affected parties for more robust decisions, while minimising duplication and unnecessary commentary from external stakeholders;
- Ensure clear definitions of ‘minor’ and ‘major’ modification of applications supplemented by the publishing of standard Ministerial determination timeframes – further transparency helps identify how the modification affects eligibility terms of conditions, and guidance on cost and risk;
- The Government publish clear guidance for applicants on how referral decisions and GPS considerations are applied, including examples of how Panels have interpreted and balanced these factors;
- We recommend flexibility for staged or phased infrastructure delivery under the infrastructure adequacy condition, ensuring provision aligns with project timelines and growth; And
- Decisions on competing applications should be guided by clear, objective criteria rather than political preference, to maintain fairness and integrity in the fast-track process.

3. Introduction

- 3.1. Property Council is the leading not-for-profit advocate for New Zealand’s most significant industry, property. Our organisational purpose is, “Together, shaping cities where communities thrive.” Thriving communities and regions have access to housing, employment, education, healthcare, transportation, retail, and community facilities. Our members design, develop, and manage many of the places and spaces.
- 3.2. The property sector shapes New Zealand’s social, economic, and environmental fabric. Property Council advocates for the creation and retention of a well-designed, functional, and sustainable built environment. We aim to enable opportunities to build sustainable and resilient communities, capable of meeting future needs.
- 3.3. Property is New Zealand’s largest industry and fastest growing source of employment. There are nearly \$2.2 trillion in property assets nationwide, with property providing a direct contribution to GDP of \$50.2 billion (15 per cent) and employment for 235,030 New Zealanders every year.
- 3.4. Property Council is the collective voice of the property industry. We connect over 10,000 property professionals and represent the interests of over 550 member organisations across the private, public, and charitable sectors.

- 3.5. Property Council’s submission provides feedback on the [Fast Track Approvals Amendment Bill 2025](#). Comments and recommendations are provided on issues relevant to Property Council’s members.

4. General comment

- 4.1. Property Council considers the public consultation timeframe of 11 days for the Bill to be inadequate, which prevents submitters from providing more detailed and compelling submissions. A lengthier consultation and submission process would have given stakeholders more time to examine and analyse the potential implications of the Bill.
- 4.2. Property Council recognises that the original Fast Track Approvals Act 2024 (“FTAA”) reduces red tape for large-scale housing, commercial projects, and infrastructure development. We broadly supported the objectives of the FTAA to reduce consenting delays by shortening statutory timelines and consolidating the approvals process for significant developments in our [submission](#) in April 2024.

5. Government’s intention of the Bill

- 5.1. The Bill introduces an “express lane” for supermarket developments via the fast-track regime in FTAA, passed in 2024.
- 5.2. The Bill addresses external feedback from retail and supermarket developers in terms of whether such projects can qualify as “projects with significant regional or national benefits.” The Bill enables the Government to issue a Government Policy Statement (“GPS”) under the FTAA, which will guide the interpretation of the criteria. The Bill clarifies that the grocery sector development is an essential sector for fast-track referral.
- 5.3. According to the Commerce Commission’s recent annual grocery report, it takes 18 months and \$1 million to get a consent for a new supermarket.¹
- 5.4. New retail developments, whether delivered by new entrants or existing operators, hinge on ensuring that planning frameworks and approval pathways are efficient and responsive to growing retail demand.
- 5.5. The Bill introduces many technical and procedural adjustments, including limitations on community participation in the fast-track process.

6. Government Policy Statement (GPS)

- 6.1. Clause 5 adds Section 10A which allows the Minister to issue a GPS on what constitutes “regional or national benefits” under the FTAA.

¹ NZ Commerce Commission, “Annual Grocery Report,” Link from <https://www.comcom.govt.nz/regulated-industries/grocery/annual-grocery-report/>

- 6.2. Property Council broadly supports the introduction of a GPS mechanism for the fast-track system, as it provides more certainty to industry on the specific guidance issued by the Minister on how the FTTA process should prioritise projects and in terms of assessing national and regional benefit. We recommend that Ministers remain project-neutral, with assessments guided by clear statutory criteria, contingent on the undertaking of an efficient and proportional process.
- 6.3. The draft document, “Government policy statement on grocery competition – Fast-track Approval Act,” provides a sound template for future GPS from Ministers across various sectors.² For the future, we recommend aligning the Government Policy Statement (GPS) framework to explicitly prioritise not only the grocery sector but also urban development, industrial development, commercial offices, housing supply, and enabling infrastructure.
- 6.4. We recommend providing clear statutory guidance to the public on aligning future GPS with the National Policy Statement framework to prevent policy conflicts.

7. Streamlining of the front-end process

- 7.1. We support the streamlining and clarification of the application and referral stages across Clauses 6-10.
- 7.2. The proposed changes strike an appropriate balance of adequate stakeholder consultation, such as local authorities, and greater procedural efficiency, while providing clear expectations to applicants. Refinements to the process will likely help reduce administrative delays, improve consistency in project assessment, and ultimately enhance investment certainty for significant developments.
- 7.3. We support the establishment of a defined consultation timeframe to enhance certainty and prevent indefinite pre-application delays. The Government must maintain a practical timescale for applicants and local authorities, including Iwi, potentially by allowing for flexibility or extensions through mutual agreement in complex or multi-party projects.

8. Completeness check of referral application

- 8.1. We welcome Clause 8, which makes changes to Section 14, allowing the Secretary for the Environment to seek further information rather than rejecting incomplete applications for referral.
- 8.2. However, in our assessment, five days for significant and complex developments could be considered too short. This change could limit flexibility and lead to premature rejections during the approvals process. We recommend extending this period to 10

² Beehive, “Government Policy statement on grocery competition – Fast-track Approval Act,” Link from <https://www.beehive.govt.nz/sites/default/files/2025-11/Draft%20Government%20Policy%20Statement%20-%20Grocery%20Competition.pdf>

working days or restarting the timeframe after mutual agreement once the applicant provides adequate information.

9. Minister's criteria for referral decision

9.1. The explicit recognition of the grocery sector is a significant variable for this Bill, which is welcome for the criteria for assessing referral applications through fast-track processes. The Bill would mean that new developments in the grocery sector will provide entrants with a more straightforward pathway, rather than uncertainty, for their applications to the FTAA.

9.2. We note that New Zealand currently faces a lack of supermarket supply relative to demand. Fast-track eligibility should therefore not be limited to new market entrants, expansions by existing operators that increase grocery supply and accessibility can also deliver regional or national benefits with lower consumer prices. We believe projects should be evaluated based on their impact on competition, supply growth, and the efficient delivery of nationally and regionally significant outcomes. Additionally, they should minimize regulatory barriers to build supermarkets for existing companies across the country, especially when it leads to an increase in supply.

10. Identification of existing resource consent for same activity

10.1. We welcome changes to Clause 15 which shifts the responsibilities for specific planning and consent functions to regional councils. The removal of duplication and overlapping responsibilities across each consent authority is likely to lead to a more consistent, faster, and simplified decision-making process for consents.

11. Listed projects proceeding in stage

11.1. We support Clause 19 which inserts Section 37A, allowing the approval of projects in stages, which can provide more flexibility for development applications.

11.2. Section 37A grants Ministers broad discretion to request additional information for listed projects proceeding in stages, if it meets the criteria as a stand-alone project. We welcome the amendments based on staging.

11.3. Therefore, we recommend that Ministerial requests for additional information under Section 37A be proportionate to the scale and complexity of the project. To ensure such requests are reasonable to the applicant, they should not impose unnecessary compliance costs, delay decision-making timelines, or require a significant rewrite.

12. EPA recommendation on competing applications

12.1. Section 47A provides the Minister with significant decision-making discretion as it allows the Minister to decide whether the substantive application has competing applications for development.

12.2. From our perspective, predictability and merit-based assessment are crucial for investor confidence. We seek assurance that decisions involving competing applications are guided by clear, objective criteria, such as project quality and deliverability, rather than political preferences.

13. Panel comments on substantive application

13.1. FTAA currently has no explicit restriction on what local authorities or agencies are allowed to comment in relation to a fast-track application. Panels can invite “other persons” to comment on applications, including government agencies, local councils, and non-governmental organisations. Clause 33 makes changes to section 53(3) which specifies that comments “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.” The change limits unnecessary commentary, which lowers compliance costs for applicants.

13.2. The current Section 53(3) of FTAA allows the expert Panel to seek feedback “from any other person the Panel considers appropriate.” The amendment will mean that Expert Panels may only invite others after checking whether councils or agencies intend to comment, and only if comments are insufficient or absent. There are significant implications of this change – less scrutiny and public participation.

13.3. The new restrictions on the Panel's ability to seek comment from other external parties, in some instances, could limit the Panel's access to development specialists or experts in the property sector. Given the removal of appeal rights to final decisions of Panels in the Bill, it is critical to allow the Panel some discretion to obtain related information from affected parties who can assist in making a more robust and compelling decision.

13.4. Furthermore, Property Council has reservations about the changes to Section 53 subclause one, as the timing of the public commentary process is set at only 10 working days after the appointments of Panel members. This raises the potential for unintended consequences and risks, as Panels may make decisions based on incomplete information, leading to inconsistent invitations, weaker foundations for their choices, and more litigation. Generally, Councils and agencies need to give information before the formal 20-working-day comment period even starts. For many councils and agencies, the full 20 days is already required to create a thorough report. Providing detailed input within the Panel's 10-day timeframe will be highly challenging.

13.5. If the proposed changes to Section 53 become law, Panels must first identify the councils and agencies affected, ask about their specific concerns, and evaluate if those concerns will provide enough information. The one-size-fits-all imposition of a 10-day period is counterproductive and not appropriate from a development perspective.

13.6. We acknowledge the intent of this amendment to remove unnecessary complexity and counterproductive commentary. Therefore, we recommend two changes. We

recommend maintaining flexible decision periods and enabling Panels to exercise limited discretion in extending deadlines where justified. Secondly, we recommend a minor adjustment to allow Panels to seek occasional feedback on technical or material matters.

14. Modification of substantive application

14.1. This new mechanism provides more flexibility to development applications and acknowledges the potential for project changes. Property development, at times, evolves based on changes to financial variables such as cost. But to ensure project certainty and market feasibility of projects, we suggest:

- Clarifying of definitions for ‘minor modification’ versus ‘major modification’;
- Publicising of standard timeframes for Ministerial determination;
- Assuring that the decision timeframe for the Panel remains unaffected by minor modifications;
- Transparency on how modifications could affect eligibility and conditions;
- Being transparent on the cost and risk implications for developers in the fast-track process in the scenarios of an adverse decision, with further guidance on the Panel process after the determination.

15. Time frames for decisions

15.1. The Bill imposes a specific deadline of up to 60 days for the Panel, unless the applicant agrees to a more extended timeframe in writing, allowing for greater predictability for developers in terms of budgeting for their projects. While the Property Council supports timely decision-making, a fixed 60-day working-day deadline is impractical for complex projects and could compromise decision quality from the Panel. We strongly advise against rigid timeframes for Panels.

15.2. The proposal to constrain decision-making timeframes to 60 working days poses serious operational and quality concerns. Under the current fast-track system, Panel decision-making timeframes range between 40 and 130 working days. Decisions are determined on a case-by-case basis, based on the project's scale, complexity, and the level of stakeholder contention. The flexibility afforded by the current fast-track process has been a key factor in ensuring quality panel decision-making and procedural fairness.

15.3. Furthermore, mandating a specific 60-day timeframe could undermine the thorough process for projects with a complex consenting history that requires comprehensive expert input and feedback. The deadline could lead to rushed decisions that ultimately

create more risks for litigation thereby undermining the main purpose behind the streamlined process of the fast-track system.³

15.4. In relation to time frames for decisions in Clause 56, the priority should be ensuring ‘the right people for the right job’ through appropriate Panel appointments from Panel Covenors, not rigid timeframes.

15.5. We recommend maintaining flexible decision periods and enabling Panels limited discretion to extend deadlines where justified.

16. Decisions on approvals sought in substantive application

16.1. The amendment carries forward the requirements for Panels to have regard for the Minister’s reasons for referral and any GPS, ensuring alignment of fast-track approvals with projects of national or regional significance. Since this is the first time a GPS is being utilised for fast-track approvals, we recommend the following to improve transparency and certainty for developers:

- Provide early access to previous referral decisions, including both approved and declined applications, to help applicants understand decision trends and expectations; and
- Publish clear guidance for applicants on how referral decisions and GPS considerations are applied, including examples of how Panels have interpreted and balanced these factors.

17. Infrastructure adequacy condition

17.1. The Bill allows Panels to set forth conditions on development applications to ensure adequate infrastructure.

17.2. Property Council acknowledges the importance of having infrastructure that supports economic growth. However, we note that our members have faced contentious issues related to escalating development contributions nationwide. There could be further problems if Panels reject projects without the flexibility for minor variations in infrastructure provision.

17.3. We recommend accepting potential staged or phased infrastructure delivery, which matches project timelines to accommodate growth.

18. Panels

18.1. Clause 56 amends Schedule 3, which requires that Panel members possess “knowledge, skills, and experience in the relevant sector, which the application relates to.” Property Council supports this change and agrees that Panels should be adequately resourced

³ Recent litigation involving the Port of Tauranga highlights the significant risks that arise when statutory decision-making is rushed or inadequately supported by evidence. The resulting delays, uncertainty and costs are precisely the outcomes the Fast-Track system seeks to avoid.

with technical expertise to ensure sound decisions from the Panel. Sector expertise with economic and technical capabilities, such as property economists and urban planners, will ensure decisions are credible with minimal political risk.

18.2. We believe the Expert Panel should be competent and resourced, with a focus on practical, timely assessment to avoid delays for developers. Expertise in the Panel should support efficient approvals and balanced decision-making without imposing unnecessary procedural or reporting burdens that could delay project delivery.

19. Conclusion

19.1. Property Council thanks the Environment Committee for the opportunity to submit on the Fast Track Approvals Amendment Bill.

19.2. Property Council acknowledges the Government's intention to streamline approvals for projects of national and regional significance, building on the foundation of the FTAA.

19.3. We support the Bill as it provides greater clarity, improves efficiency, and enhances investment certainty, while maintaining robust assessment and stakeholder input. Our recommendations aim to ensure that the fast-track process strikes a balance between speed, transparency, efficient processing, and practical considerations for the property sector. The Bill represents a meaningful step towards reducing consenting delays for large-scale developments, including supermarket projects.

19.4. Property Council members invest, own, and develop property across New Zealand. We thank the Environment Committee for the opportunity to submit our views on the Fast-track Approvals Amendment Bill and **wish to appear before the Environment Committee to speak.**

19.5. For further enquiries, please do not hesitate to contact Leonard Hong, Senior Advocacy Advisor, via email: leonard@propertynz.co.nz

Yours Sincerely,



Leonie Freeman

CEO Property Council New Zealand