



Committee Secretariat Environment Committee

WELLINGTON

Date:

To Whom It May Concern,

SUBMISSION on the Fast-track Approvals Amendment Bill

This submission sets out the Environment Institute of Australia and New Zealand (EIANZ) position on the '**Fast-track Approvals Amendment Bill**', released May 2025.

We acknowledge the effort that the Environment Committee have put into seeking consultation on the document.

#### **About EIANZ**

Founded in 1987, EIANZ is a professional association of some 4000 environmental practitioners from across Australia and New Zealand. We provide opportunities for professional and academic dialogue across all sectors of the environmental industry. The Institute membership includes specialists in a range of environmental disciplines: climate change, contaminated land, planning, engineers, law, environmental science, freshwater, marine and coastal sciences, and ecology.

A significant initiative of EIANZ is the Certified Environmental Practitioner (CEnvP) Scheme, which is Australasia's first accreditation scheme designed exclusively for environmental practitioners and recognises environmental professionals in line with their professional counterparts from engineering, accounting, planning and architecture. Several members of EIANZ hold specialist CEnvP ecologist certifications. Three members residing in NZ are Fellows of the EIANZ recognising the contributions to environmental practice over several decades. These credentials are significant in the recognition of environmental practice in New Zealand.

#### **Our approach**

The timeframe for submissions on the Fast-track Approvals Amendment Bill has been particularly compressed (seven working days). In response, the New Zealand Chapter convened a small group of experienced practitioners to review the Bill and provide targeted feedback.

The views in this submission are therefore based on:

- the collective experience of EIANZ members who work daily with environmental legislation, regulations and policy; and

- a consensus-based process drawing on a workshop held with senior practitioners familiar with fast-track and related consenting processes.

Our focus is on the clarity, consistency and practicality of the Bill in delivering robust environmental outcomes for projects of national and regional significance. We draw attention to areas where, in our experience, further direction or safeguards are required to maintain the integrity of environmental decision-making.

# Submission

## Draft Submission Point – Fast-Track Approvals Amendment Bill

### 1. Ensuring Robust Environmental Decision-Making Under Compressed Timeframes

EIANZ recognises the Government's intention to improve the efficiency of decision-making. However, our members expressed clear concern that the significantly shortened assessment timeframes proposed in the Bill risk undermining the quality and rigour of environmental evaluations.

From direct experience under previous fast-track and COVID-era legislation, members have observed that when councils and experts are required to review complex applications under very constrained timeframes:

- reviews become hurried,
- key information and interdependencies are missed, and
- expert evidence can become shallow or unduly conservative because reviewers lack time to fully interrogate technical issues (e.g. freshwater effects, offsetting frameworks, and complex ecological implications).

Applicants, by contrast, can take months or years preparing their cases, while council experts and other reviewers may have only days to analyse extensive technical material. This creates an imbalance in process fairness and increases the risk that decision-making panels will not receive the depth of technical advice required to make environmentally sound and defensible decisions.

### EIANZ position

EIANZ recommends that the Bill be amended to ensure that:

- Minimum assessment timeframes are calibrated to the complexity and risk of the environmental effects being considered, not a single fixed number of days.
- Panels are required, when exercising their functions, to consider whether expert review periods have been sufficient to ensure a robust assessment of environmental effects.
- The Bill avoids mechanisms that force rushed decisions where the complexity and scale of environmental effects requires more time to achieve sound outcomes.

### 2. Role and capacity of councils as technical reviewers

The Bill appears to rely heavily on councils as the primary and in some instances effectively the sole technical reviewers of fast-track applications. Members consistently raised concerns about whether councils, in their current state, can reliably fulfil this role.

In many regions, councils:

- lack sufficient in-house technical expertise, particularly in specialist areas such as freshwater ecology, offsetting and biodiversity management;

- depend on external consultants who themselves face significant workload and time constraints; and
- are already operating under tight statutory deadlines and constrained budgets.

While the Bill appears to allow panels to dispense with further external comment where councils have already responded, there is a real risk that panels may be relying on incomplete or insufficiently detailed assessments, not because of any professional failing but because councils simply do not have the time, resources, or breadth of expertise to provide fulsome advice.

### **EIANZ position**

EIANZ recommends that the Bill:

1. Explicitly recognise the capacity and capability limitations that many councils face in meeting these new responsibilities.
2. Provide for councils to access adequate resourcing and specialist expertise (internal or external) to discharge their review role effectively.
3. Ensure that panels retain discretion to seek independent expert evidence where environmental issues are complex, contested, or beyond the core expertise available within councils.

### **3. Maintaining opportunities for technical challenge and expert debate**

Many environmental matters addressed through fast-track approvals involve non-consensus scientific questions where reasonable experts may disagree on effects, mitigation pathways, or offsetting principles.

Historically, the ability for multiple experts to “test” each other’s views – through conferencing, rebuttal evidence, and questioning – has led to demonstrably better environmental outcomes over time, by refining proposed mitigation and revealing weaknesses in assumptions or modelling. Members expressed concern that the Bill narrows opportunities for such expert challenge and thus may reduce panels’ access to the full breadth of professional viewpoints.

Without these opportunities, panels may be forced to rely on a limited set of perspectives, primarily from applicants and councils. In complex cases, this may not be sufficient to fully understand the environmental risks and trade-offs involved.

### **EIANZ position**

EIANZ recommends that the Bill be amended to:

1. Confirm that panels have clear discretion to seek additional specialist input where expert views differ or where material is technically complex.
2. Support transparent technical debate where this will materially assist panels to understand environmental effects and the robustness of proposed mitigation or offsetting.
3. Avoid structural limitations that undermine the role of sound environmental science and expert scrutiny in the decision-making process.

#### **4. Decision quality, conservative assessments, and over-reliance on conditions**

Members also raised concern that compressed timeframes will change how experts and councils manage risk in their advice. Where there is insufficient time to fully test information, reviewers may:

- default to highly conservative positions on effects; and/or
- resort to adding broad, catch-all consent conditions that do not necessarily reflect the actual scale and nature of effects, because there is insufficient time to resolve uncertainties through proper analysis.

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This can result in consents that are either over-conditioned (with unnecessary or poorly targeted conditions) or under-tested (with residual effects not fully understood). Neither outcome represents good environmental practice or efficient regulation.

#### **EIANZ position**

EIANZ recommends that:

1. The Bill promote front-loaded, high-quality applications and allow sufficient time at the review stage to avoid over-reliance on generic or poorly targeted consent conditions.
2. Panels be encouraged to focus on achieving the right decision with proportionate conditions, rather than merely a quick decision under time pressure.

#### **5. “Henry VIII” clauses and parliamentary override powers**

The clause colloquially referred to as the “Henry VIII clause” would grant Parliament the ability to modify or overturn decisions in ways that may bypass the usual evidential and expert processes that underpin environmental decision-making.

While EIANZ acknowledges that such powers are ultimately a matter for Parliament, members expressed concern that broad override powers may:

- introduce uncertainty into the planning and consenting system; and
- weaken the integrity of environmental safeguards that have been carefully built into technical assessment processes.

#### **EIANZ position**

EIANZ recommends that:

1. Any parliamentary override power is narrowly drawn, used only in exceptional circumstances, and accompanied by transparent reasons.
2. Before such powers are exercised, there is explicit consideration of environmental consequences, informed by appropriate environmental expertise.
3. Overrides are not used as a substitute for robust environmental analysis and expert scrutiny within the fast-track process itself.

## **7. Long-term risk to environmental expertise and knowledge resilience**

A major theme raised by members was the risk that the fast-track regime, as currently structured, will concentrate decision-making and technical review in the hands of a small pool of experts who are repeatedly engaged by the EPA, councils and applicants.

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This creates several long-term risks:

- Emerging practitioners may have limited opportunities to participate and build capability in fast-track work.
- The system may lose diversity of perspectives, as a relatively small group of practitioners repeatedly make decisions on nationally significant projects.
- There is a risk of knowledge stagnation, where new approaches, methods or perspectives are slow to emerge because opportunities for wider participation are limited.

EIANZ considers that a resilient environmental practice community in Aotearoa New Zealand depends on a broader base of practitioners being engaged and developed through these processes.

### **EIANZ position**

EIANZ recommends that the Ministry:

1. Consider mechanisms to ensure broader participation of environmental practitioners in fast-track processes, including opportunities for early-career practitioners to build experience.
2. Support structured pathways such as training, shadow panel roles and supervised review opportunities to build capability in emerging professionals.
3. Explicitly recognise that environmental decision-making benefits from diverse technical perspectives, not a narrowing of the expert pool over time.

## **8. Project Staging and Amendments for Listed Projects (Schedule 2)**

Participants briefly discussed provisions that allow listed projects to amend or modify their scope or staging once included in Schedule 2.

Although some members noted that flexibility can avoid redundant re-application processes, others questioned how frequently such modifications are needed and whether the provision responds to widespread issues or isolated cases. Ultimately, participants agreed that this matter was not central to EIANZ's technical mandate and that the organisation may choose not to comment.

### **EIANZ Position**

EIANZ proposes no formal submission position on Schedule 2 modification provisions, unless future analysis indicates clear environmental science implications.

## **Conclusion**

EIANZ supports efficient and effective decision-making for projects of national and regional significance, but considers that efficiency must not come at the expense of robust environmental assessment, expert input and high-quality outcomes.

In our view, the Fast-track Approvals Amendment Bill would benefit from amendments that:

- ensure realistic timeframes for complex environmental assessments;
- provide councils and panels with adequate access to specialist expertise;
- maintain opportunities for technical debate and expert challenge;
- carefully constrain any override powers; and
- support the long-term resilience and diversity of New Zealand's environmental profession.

EIANZ would welcome the opportunity to engage further with officials on these matters as the Bill progresses.

Yours faithfully

Connor Whiteley

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

President – New Zealand Chapter  
Environment Institute of Australia and New Zealand