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NR:MR

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Environment Committee
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To whom it may concern,

HORIZONS REGIONAL COUNCIL SUBMISSION – FAST-TRACK APPROVALS AMENDMENT BILL

Thank you for the opportunity to submit on these proposals. Horizons Regional Council (Horizons) is the regional authority for the Manawatū-Whanganui Region, extending from south of Levin to north of Taumarunui and from Whanganui across to the east coast, covering an approximate 22,000km² in total. Horizons' responsibilities include managing the region's natural resources, flood control, monitoring air and water quality, pest control, facilitating economic growth, leading regional land transport planning and coordinating our region's response to natural disasters.

While Horizons acknowledges the Government's intentions to use this legislation to reduce regulatory barriers to improve grocery competition and to improve the system's workability, we believe there are potential unintended consequences in the Bill in its current form. These require amendment to ensure the legislation works as intended, and that the regional and national benefits the Government seeks are fully realised.

With any proposal, there is a balance to be found between enabling activities through streamlining the fast-track process but also ensuring that well-rounded consideration has been given to the impacts on communities and the environment. Horizons considers that some of the amendments proposed do not strike the right balance.

FAST-TRACK APPROVALS AMENDMENT BILL

Clause 5: The Bill introduces the ability for the Minister to issue a government policy statement (GPS).

1. Horizons is generally supportive of the creation of a government policy statement under the Fast-Track legislation as this will provide clarity to applicants and those providing comment on the priorities of the Government. However, we are concerned about the absence of an opportunity for the public and iwi authorities to receive notice of, and make a submission on, the proposed GPS.

Recommendations:

- a. **(preferred option)** Amend the Bill to align with s46A of the Resource Management Act 1991: Process for preparing national environmental standards and national policy statements, to include a step to allow the public and iwi authorities to receive notice of, and make a submission on, the proposal; OR
- b. Amend the Bill to align with s67 of the Land Transport Management Act 2003: Preparation or review of GPS on land transport, to require the Minister to have regard to the views of Local Government New Zealand and representative groups.

Clause 6: The Bill includes amendments to consultation requirements for referral applications to change *consult* to *notify in writing* for:

- 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
 - B. the tangata whenua of any area within the project area that is a taiāpure-local fishery, a mātaihai 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
 - 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.
2. It is not clear what a written notice must contain. There is a risk that the written notice does not give Horizons, iwi authorities, hapū or Treaty settlement entities sufficient detail on the project to provide a meaningful response to the referral application. One of the community outcomes Horizons seeks for our region is that our region's relationships with iwi and hapū are respectful and mana enhancing. We see this amendment to the consultation requirements as a backwards step in this respect, and likely to adversely affect community cohesion.

Recommendation: Remove this clause from the Bill.

Clause 33: Panels can currently seek input from anyone they consider appropriate. The Bill limits this to when local authorities or administering agencies do not intend to comment on the matter or if the panel considers the comments will not enable the panel to sufficiently address the matter.

3. Horizons is concerned that this clause puts a reliance on local authorities to speak for their communities, and this is not something Horizons usually does on our communities' behalf. In most cases, our communities will hold information we do not. In addition, if engagement in the process is not cost recoverable, this advocacy may not take place. This is likely to lead to less evidence-based decision making, and unintended consequences.

4. There may be situations where the local authority or administering agency intends to provide comments on a matter but does not. This would leave the panel without the discretion to request additional comments on the matter and could leave the panel with insufficient information to address the matter.
5. Additionally, the Bill requires the panel to pre-empt the contents of the comments the local authorities or administering agencies are to provide. The panel may not receive the comments anticipated and could be left without the discretion to request additional comments on the matter and could leave the panel with insufficient information to address the matter.

Recommendations:

- a. Remove clause 4 of amended s53 from the Bill; OR
- b. Amend clause 4 of amended s53 to allow the panel to invite comments on a particular manner after receiving comment from any relevant local authorities or relevant administering agencies if the panel considers that the comments provided do not enable the panel to sufficiently address the matter or no comment has been made.

Clause 42: The Bill allows the Minister to approve modifications to applications after they have been referred to a panel. The Minister must notify anyone invited to make written comments on the application of the modifications, but there is no opportunity to provide comments on the modified application.

6. We note that while local authorities are invited to comment on referral and substantive applications, there is not a further opportunity to provide a comment on a modified application if that modification occurs after comments have been made. Horizons notes that this clause could result in a panel approving a modified project which local authorities would be concerned about but could not provide comment on. This could potentially result in the panel approving, for example, residential development behind a stopbank that is not sized appropriately to protect it.
7. This clause could incentivise applicants to submit smaller applications at first and seek to expand them later with less third-party input.

Recommendation:

Amend the Bill to enable those who provided comment on the original application to provide further comment on the modified application.

Clause 46: The Bill enables the panel to set conditions relating to infrastructure to ensure infrastructure is or will be adequate to support the project.

8. The drafting of this clause, and the scope of its effect is unclear. It is unclear how third parties will be affected by this clause, such as allowing connections to council infrastructure. We note that consent holders are the only parties legally bound by consent conditions.
9. This clause could potentially result in the panel approving, for example, residential development behind a stopbank that is not sized appropriately to protect it and put the regional council in a position where they must upgrade the stopbank.
10. It is unclear from the drafting of the Bill whether the developer would pay for the costs of new infrastructure or whether the regional council would receive the cost burden, without

input into the development of the conditions. Imposing infrastructure cost burdens on councils would be contrary to the Government's position that growth pays for growth.

Recommendation: Redraft the Bill to ensure that costs are only imposed on the applicant through clause 46.

Clause 50: The Bill limits appeal rights on points of law to a subset of groups who may be invited to comment on the application.

11. Groups that have been invited to comment by the panel on a discretionary basis could no longer appeal. This would include environmental groups and most non-government organisations. This change may result in more challenges being brought through the judicial review process which can be lengthier and more resource intensive than the appeal process.

Recommendation:
Amend the Bill to allow all those who have provided comment to appeal.

Clause 54: The Bill enables the Minister to make an Order in Council to amend the description of a listed project in Schedule 2.

12. This allows primary legislation to be amended without input from Parliament which does not align with New Zealand's constitutional conventions.

Recommendation:
Remove this clause from the Bill.

Thank you again for the opportunity to submit on these proposals. **Horizons wishes to speak in support of this submission.**

Yours sincerely,



Nikki Riley, JP | BBS | MInstD
CHAIR