

New fast-track consenting legislation and changes to NPS-FM on their way

The Government is inviting feedback on new fast-track consenting and National Policy Statement for Freshwater Management (NPS-FM) proposals by 12 February 2024. Time is tight, but we can help you feed into the development of these changes.

New fast-track consenting legislation

The Government promised to introduce a new fast-track consenting regime within its first 100 days in office. Minister Bishop has now written to stakeholders, putting some meat on the bones of the likely shape of the new fast-track process.

The new legislation will draw on the two previous fast-track regimes under the COVID-19 Recovery (Fast-track Consenting) Act 2020 and the Natural and Built Environment Act 2023. The current proposal is that the new fast-track process will:

- be contained in a stand-alone Act with its own purpose;
- prioritise locally, regionally and nationally significant infrastructure and development projects;
- contain a list of projects that will be the first to have their approvals granted;
- enable the Minister to refer other projects to an expert panel, which will have limited ability to decline a project and will impose conditions necessary to manage adverse effects.

Details about the new Act's purpose and "significance" tests are yet to come but, at first glance, it seems that the new regime could capture a broad range of projects. It is not clear whether there will be additional environmental effects-related criteria to be accepted to the fast-track process given that there will be limited ability to decline. It does appear that Treaty settlement

obligations will be a factor in assessing the suitability of a project for referral.

Minister Bishop has also signalled that the fast-track process will include a "one-stop shop" process for approvals under other legislation. This could include concessions and authorisations a project needs under mining, conservation or wildlife legislation.

Full details will be available in early March, when the new legislation is introduced to Parliament. A Select Committee process will follow the introduction of legislation, which enables members of the public to make submissions on the proposal.

Changes to the NPS-FM

The Government intends to review and replace the NPS-FM within the next 3 years, and extended the deadline for notification of freshwater plans to 2027 at the same time as repealing the Natural and Built Environment Act 2023.

In the meantime, it has signalled that it will take a look at how the hierarchy in Te Mana o te Wai will apply to decisions on resource consents. This will come via further amendments to the Resource Management Act 1991. There is no clear direction on what those amendments will look like, but it seems that the Government intends to clarify whether Te Mana o te Wai applies to decisions on resource consents.

Questions and feedback can be provided to the Ministry for the Environment by emailing RM.Reform@mfe.govt.co.nz by 12 February 2024.

Want to know more?

Should you require assistance lodging feedback, please contact our [Resource Management](#) team.