Submission on the Fast-Track Approvals Legislation Amendment Bill

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Introduction

Tāngaro Tuia te Ora, Endangered Species Foundation submits in strong opposition to the Fast-Track Approvals Legislation Amendment Bill in its entirety.

This Bill represents a huge threat to New Zealand's unique biodiversity and natural heritage. We urge the Select Committee to reject this Bill and instead uphold robust environmental protection, meaningful democratic participation, and the principles of Te Tiriti o Waitangi.

As an organisation dedicated to protecting Aotearoa's threatened species and restoring ecosystems, we are deeply alarmed by legislation that would further weaken environmental safeguards and rush decision-making on projects with potentially catastrophic ecological consequences.

Opposition to Rushed Decision-Making Timeframes

We strongly oppose the requirement for panels to decide on projects within just 60 working days. This timeline is wholly inadequate for assessing the complex ecological impacts of major development projects, particularly those affecting critical habitats, threatened species, and sensitive ecosystems.

Proper environmental assessment requires time for:

- Seasonal ecological surveys (many species are only detectable at certain times of year)
- Population monitoring of threatened species
- Assessment of cumulative impacts on ecosystems
- Expert peer review of ecological evidence
- Consideration of long-term and irreversible environmental consequences

The consequences of approving ecologically destructive projects due to inadequate assessment will be measured in species extinctions and ecosystem collapse - impacts that are irreversible and that will not only have massive impacts for ecosystems – but significant flow-on effects to the sustainability of our economy and costs to the tax payer for clean-up and mitigation.

The Need for Public Participation and Appeal Rights

We oppose any further restrictions on who panels can invite to participate in the Fast-Track process. Environmental experts, conservation organisations, hapū, local communities, and NGOs must have a meaningful voice in decisions that will affect our native species, ecosystems, and natural taonga.

Silencing expert environmental voices is not only anti-democratic - it is reckless. Furthermore, restricting opportunities to appeal decisions in the High Court removes crucial legal safeguards that have historically prevented some of the most destructive projects from proceeding.

Ministerial Interference Undermines Independence

We strongly oppose provisions allowing Ministers to issue "policy statements" promoting the supposed benefits of projects or to give general direction to the Environmental Protection Authority regarding its performance and exercise of its functions, duties, and powers.

Such political interference could:

- Bias decision-making toward economic considerations at the expense of ecological well-being
- Undermine the EPA's ability to advocate for environmental safeguards
- Compromise the independence essential for credible, science-based environmental assessment
- Pressure panels to downplay or ignore serious ecological risks

The EPA and expert panels must remain independent from political pressure to function effectively as guardians of our environment and biodiversity.

Corporate Influence Over Panel Composition

We oppose allowing applicants to challenge or object to panel members. Expert panels assessing environmental impacts must be genuinely independent and selected based on relevant ecological and environmental expertise.

Allowing corporate applicants any influence over panel composition creates an unacceptable conflict of interest and further tilts the process away from environmental protection.

Additional Concerns

We also oppose:

- **Allowing applicants to amend their applications**, which will create confusion, lengthen processing times, and make it impossible for expert reviewers to provide coherent ecological assessments of moving targets.

- **Retrospective application** of this Bill to projects already in the process. This is procedurally unfair and could see projects with known ecological risks approved under weakened standards.
- **Renaming Schedule 2** to "Listed Projects with significant regional or national benefits." Whether a project delivers net benefits when ecological costs are properly accounted for should be determined by independent expert assessment, not political labelling. Many projects may deliver economic benefits whilst causing ecological damage that far outweighs those benefits when properly valued.

Required Safeguards If This Bill Proceeds

Whilst we oppose this Bill entirely, if it does proceed despite our strong objections, we insist on the following minimum safeguards:

- **Projects previously refused** under the Fast-Track Act must be prohibited from reapplication until they undergo a completely new and comprehensive assessment including full ecological surveys, threatened species assessments, and genuine community and expert input.
- **Strong sunset and review clauses** must be included. Given the severely shortened assessment timeframes, if harmful ecological effects emerge after project approval, such as threatened species population declines, habitat degradation, or ecosystem disruption, the Government must be required to review the project and have the power to cancel permits and require remediation.
- **Mandatory ecological expertise** on all panels assessing projects with potential impacts on biodiversity, including specialists in relevant taxonomic groups and ecosystems.
- **Requirement for baseline ecological surveys** before project approval, particularly for threatened species and critical habitats.

Conclusion

This Amendment Bill prioritises corporate profit and political expediency over the protection of New Zealand's unique and irreplaceable biodiversity. Aotearoa is a global biodiversity hotspot with extraordinary levels of endemism—we have species found nowhere else on Earth. We also have one of the worst records of species extinctions in the world. We cannot afford to further weaken environmental protections.

The rushed timeframes, restricted participation, and increased political interference proposed in this Bill will lead to poorly assessed projects causing irreversible ecological harm. Species driven to extinction cannot be brought back. Ecosystems once destroyed cannot be easily restored. The consequences of this legislation will be measured in lost species and degraded environments for generations to come.

Recommendations

We urge the Committee to:

Reject the Bill in its current form. It represents a regressive step that will further weaken New Zealand's ability to deliver timely, robust, and democratically supported environmental regulation.