



# Tracking the Fast-track Act: Lessons So Far

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The Fast-track Approvals Act 2024 (“Act”) has been well and truly tracking along since its enactment in December last year. With ten months of operation now behind us, it’s a timely moment to reflect on how the Act is being applied in practice. The Act was introduced to accelerate approvals for infrastructure and development projects that deliver substantial benefits at a regional or national level. It has since been used to assess applications for housing developments, mines, quarries, power stations, solar farms, and more.

As of 14 October 2025, three projects have been approved under the Act. A central question, raised since the Act was first introduced as a bill, remains: what constitutes “significant regional or national benefits”? This article explores how expert panels have grappled with this concept in their decision-making thus far.

### National or regional significance

The purpose of the Act, set out in section 3, is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits. Under section 81(4), expert panels are required to give weight to this purpose when considering applications.

The Act however does not provide a direct definition of the term “significant regional or national benefits.” In response, panels have begun exploring its meaning and application by referring to section 22 of the Act. This section outlines the criteria that must be satisfied for an application to be eligible for referral to a panel. One such criterion is that the project “would have significant regional or national benefits.” As part of this, under section 22(2)(a), the Minister may consider whether the project:

- is identified as a priority in government or sector plans or strategies.
- delivers or supports regionally or nationally significant infrastructure.
- increases housing supply or contributes to a well-functioning urban environment.
- delivers significant economic benefits.
- supports primary industries or natural resource development.
- contributes to climate change mitigation or adaptation.
- addresses significant environmental issues; or
- aligns with local or regional planning documents.

Despite the broad scope of section 22(2)(a), panels have generally looked to economic considerations, relying on Economic Impact Assessments (“EIAs”) submitted with applications to determine whether a project meets the regional or national significance threshold. These assessments in turn typically

focus on:

- Housing supply: Evaluating how many homes the project will deliver, population growth in the area, and the impact on housing affordability.
- Employment: Estimating job creation and long-term employment opportunities.
- Economic contribution: Assessing value-added benefits to the economy.

For example, in the Port of Auckland Bledisloe Wharf decision, in considering significant national or regional benefits, the Panel considered the following from the Applicant's EIA:

- enhanced port capacity and efficiency, enabling larger vessels and supporting trade and tourism.
- alignment with global shipping trends to maintain New Zealand's competitiveness.
- significant economic contributions to Auckland and the national economy, including billions in value-added and tens of thousands of jobs.
- benefits to cruise tourism and public access to the waterfront; and
- the Port's role as critical infrastructure, handling 38% of New Zealand's imports.

### Lessons from other applications

The now-withdrawn Delmore Application for a residential subdivision and roading interchange in Ōrewa offers important lessons on what not to do. The Applicant withdrew the proposal after the Panel's draft decision indicated it would be declined for failing to meet the significant national or regional benefits threshold. Auckland Council submitted that the economic benefits claimed by the Applicant were overstated and did not demonstrate sufficient regional significance. The Council emphasised that the Panel must assess whether the benefits represent a net economic contribution, taking into account not just the projected gains but also the associated costs, including hidden and indirect impacts like opportunity costs. Significant differences between the Applicant's and the Council's EIA's led the Panel

to commission an independent review. The independent economist largely agreed with the Council's position, finding the applicant's methodology insufficiently robust and lacking a proper cost-benefit analysis. Ultimately, the Panel's draft decision concluded that without such an analysis, it could not reasonably determine that the project's economic benefits would meet the national or regionally significant threshold.

Another key takeaway from the Delmore draft decision is the Panel's explicit clarification that being listed in Schedule 2 of the Act does not automatically mean a project meets the threshold of significant national or regional benefit. The Panel made it clear that inclusion in Schedule 2 does not remove a project's obligation to independently assess the actual benefits of the project. In other words, listing alone is not proof of significance, each project must still demonstrate its benefits through robust evidence and analysis, particularly in relation to economic effects.

The recent referral of Hopper Developments proposed 250-berth marina at Waipiro Bay, east of Russell, presents a potentially compelling test case for the Act. While the project was accepted for fast-track consideration by the Minister for Infrastructure, it is now facing a judicial review brought by the Eastern Bay of Islands Preservation Society. The challenge specifically relates to the purported economic benefits of the project.

So what does this all mean? The Act offers a fast track through standard consenting processes, but it's not a shortcut. Applicants must still present robust, evidence-based proposals that clearly demonstrate genuine regional or national benefits. While the process is quicker, it demands rigour: credible data, sound methodology, and a detailed cost-benefit analysis, typically embedded within an EIA. This becomes especially critical where a project may have significant adverse effects. In such cases, the expert panel must weigh whether those effects are disproportionate to the benefits, and may decline approval if the balance doesn't stack up.

The Government has also signalled legislative changes in order to speed up the current process even further, and we await further details when an amendment bill is introduced into Parliament.