

Overview: Consenting under the COVID-19 Recovery (Fast-track Consenting) Act 2020

The Act provided a short-term fast-track consenting process. The Act has now been repealed. No further project applications can be lodged.

A fast-track consenting process

The Act provided fast-track consenting for resource consent applications and lodging notices of requirement for listed or referred projects.

The Act enabled expert consenting panels to make decisions on the resource consent applications and notices of requirement, and to set conditions on the projects.

The EPA provides advice and administrative support for the panel convener and expert consenting panels.

The process continues for some projects

The Act came into effect on 9 July 2020 and was repealed on 8 July 2023.

The provisions of the Act will continue to apply to applications already received by the EPA until the application process is completed. Any referral orders in force on 7 July 2023 remain in force.

No further project applications can be lodged.

[COVID-19 Recovery \(Fast-track Consenting\) Act – New Zealand Legislation website](#) ^[1]

Listed and referred projects

The Act provided a list of projects and a mechanism for referring other projects.

Listed projects

These projects were listed in the Act.

[Find out more about fast-track listed projects](#) ^[2]

Referred projects

These projects had to meet eligibility criteria and be referred by the Minister for the Environment, through an Order in Council.

[Find out more about fast-track referred projects](#) ^[3]

Expert consenting panels

An expert consenting panel is appointed to decide on each fast-track application. The panels have similar powers to consenting authorities, like councils, under the Resource Management Act (RMA).

The panel convener, Alternate Environment Court Judge L J Newhook, appoints each panel.

Each panel is chaired by a sitting or retired Environment Court Judge, or senior RMA lawyer. The local authority and local iwi authority may each nominate a person to be a member of the panel.

Each panel has a minimum of three members.

[Panel convener and expert consenting panels under the COVID-19 Recovery \(Fast-track Consenting\) Act 2020](#) ^[4]

Commenting on a fast-track consenting application

The Act offered a process to fast-track projects aimed at stimulating the economy.

The Act stated that expert consenting panels must not give public or limited notification about a consent application or notice of requirement. However, panels must invite written comments from some people or groups listed in the Act.

For projects referred by an Order in Council (rather than listed in the Act), additional people may be invited to provide comments, as set out in the Referral Order.

[Commenting on a fast-track consenting application under the COVID-19 Recovery \(Fast-track Consenting\) Act 2020](#) ^[5]

The EPA's role

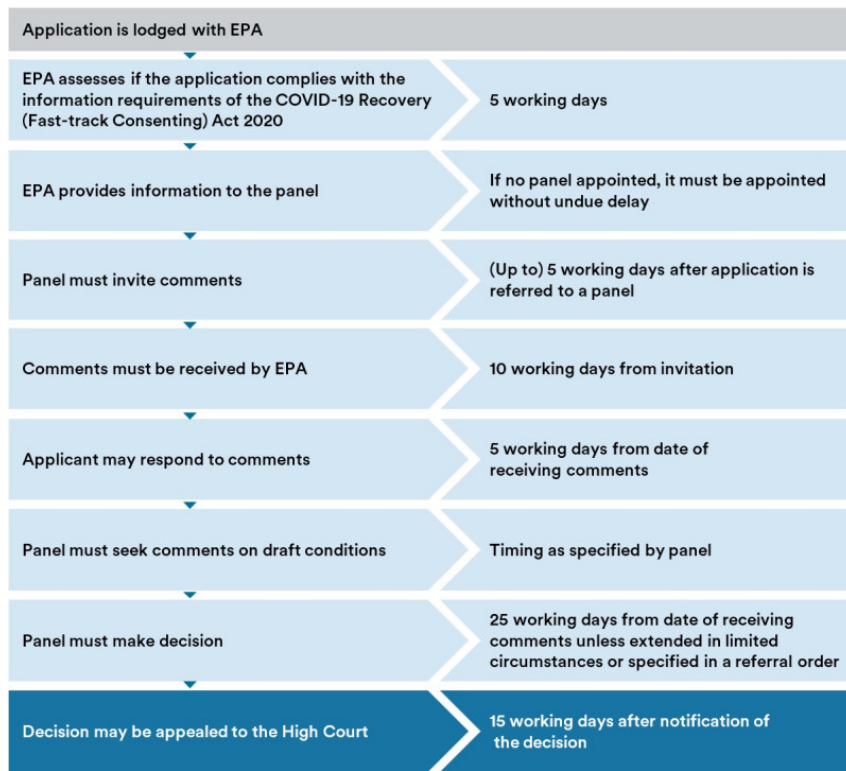
Our key roles in the fast-track consenting process under the Act include:

- supporting the panel convener
- assessing whether applications and notices of requirement contain the information required by the Act
- receiving comments on projects from specified parties
- making requests, such as for further information, on behalf of the panel
- support for hearing processes if a hearing takes place
- supporting panels from when they are appointed through to the issuing of a decision
- making administrative decisions incidental to the conduct of the panel
- recovering costs from applicants.

Under the COVID-19 Recovery (Fast-track Consenting) Act 2020, the Ministry for the Environment processed applications to be referred for fast-track consenting.

Process timeframes

This flowchart shows timeframes for the fast-track consenting process under the Act.



Text description of fast-track consenting process timeframes ^[6]

Cost recovery

We may recover the actual and reasonable costs the EPA incurs in providing assistance before a person lodges a resource consent application, notice of requirement, or application for a certificate of compliance with the EPA.

We may recover the actual and reasonable costs from a consent applicant or requiring authority that are incurred:

- by the EPA after lodgement in carrying out its functions under the Act
- in relation to a panel performing its functions, on behalf of the Minister for the Environment
- in relation to local authority advice to an expert consenting panel.

Read about recovery of costs in clauses 13 and 14 in Schedule 5 of the Act – New Zealand Legislation website ^[7]

EPA cost recovery policy for COVID-19 Recovery (Fast-track Consenting) Act processes: Updated August 2023 (PDF, 213KB) ^[8]

RELATED CONTENT

Commenting on an application or notice of requirement ^[9]

Download the factsheet to help you if you are invited to comment.

Get in touch ^[10]

Feel free to contact us if you have a general fast track enquiry or about specific applications.

Fast-track consenting: timeframes and the role of the EPA ^[11]

Download the fact sheet on the EPA's role in the fast-track consenting process.

COVID-19 Recovery (Fast-track Consenting) Act 2020 ^[12]

Read the legislation governing this process.

Links

1. <https://www.legislation.govt.nz/act/public/2020/0035/latest/LMS345539.html>
2. [/fast-track-consenting/fast-track-projects/](#)
3. [/fast-track-consenting/fast-track-projects/](#)
4. [/fast-track-consenting/ftca/panel-convener/](#)
5. [/fast-track-consenting/ftca/commenting/](#)
6. [/fast-track-consenting/ftca/timeline/](#)
7. <http://www.legislation.govt.nz/act/public/2020/0035/latest/LMS345651.html>
8. [/assets/Uploads/Documents/Fast-track-consenting/FTC-cost-recovery-policy-COVID-19-Recovery-2023.pdf](#)
9. [/assets/Uploads/Documents/Fast-track-consenting/commenting-on-Fasttrack-applications-factsheet.pdf](#)
10. [/fast-track-consenting/contact-us/](#)
11. [/assets/Uploads/Documents/Fast-track-consenting/200811_fasttrack_EPA_consenting_role_jul20.pdf](#)
12. <https://www.legislation.govt.nz/act/public/2020/0035/latest/LMS345539.html>