

Attachment 1

Checklist of information
requirements of ss43 and 44 the
FTAA

Checklist of information requirements of ss 42, 43 and 44 of the FTAA

Fast-track Approvals Act 2024	Comment
Section 42 Authorised person may lodge substantive application for approvals	
An authorised person for a listed project or a referred project may lodge with the EPA 1 substantive application for the project (s 42(1)(a))	Refer to Paragraph 2.3
A substantive application must comply with s 43 (s 42(2)(a))	Refer below.
For each of the approvals sought under subsection (4), the applicant must be eligible to apply for any corresponding approval under a specified Act (s 42(3)(a))	The applicant is eligible to apply for the resource consent and wildlife approvals.
A substantive application may seek 1 or more approvals, including a resource consent that would otherwise be applied for under the Resource Management Act 1991 (s 42(4)(a)) and a Wildlife Act approval as defined in clause 1, of Schedule 7 (s 42(4)(h))	Refer to Paragraph 2.3
A substantive application that seeks an approval described in subsection (4)(a) may seek that approval for an activity that is a prohibited activity under the Resource Management Act 1991 (s 42(5)(a))	N/A – no prohibited activities sought.
A substantive application that seeks an approval described in subsection (4)(a) must, if section 30(6) applies, be lodged within the time frame specified in that section (s 42(5)(b))	Refer to Paragraph 2.10
A substantive application may seek an approval described in subsection (4)(b) (s 42(6))	N/A – no change or cancellation of conditions sought
A substantive application may seek an approval described in subsection (4)(c) (s 42(7))	N/A – no certificate of compliance sought.
A substantive application that seeks an approval described in subsection (4)(f) (s 42(8))	N/A – no land exchange proposed.
A substantive application that seeks an approval described in subsection (4)(i) (s 42(9))	N/A – no archaeology authority sought.
A substantive application may seek an approval described in subsection (4)(l) (s 42(10))	N/A – no access arrangements sought under the Crown Minerals Act 1991.
A substantive application may seek an approval described in subsection (4)(n) (s 42(11))	N/A – no mining permits sought.
If a substantive application is lodged by more than 1 authorised person, the applicant for the purposes of subsections (10) and (11) (s 42(12))	N/A
If the authorised person has applied under section 39 for a determination under section 23 or 24, the substantive application must comply with section 39(5) (s 42(13))	N/A – No ineligible activities proposed.
Section 43 Requirements for substantive application	
Form and manner approved by the EPA (s 43(1)(a))	The prescribed form for the substantive application has been completed online.
Explain how the project to which the application relates is consistent with the purpose of this Act (s 43(1)(b)(i))	Refer to Paragraphs 9.3 – 9.17
Must demonstrate that the project does not involve any ineligible activities (s 43(1)(c))	The substantive application does not involve any ineligible activities. The activity does not occur: <ul style="list-style-type: none"> (a) On identified Māori land (s 5(1)(a)). (b) In a customary marine title area (s 5(1)(b)). (c) In a protected customary rights area (s 5(1)(c)). (d) On Māori customary land or land set apart as a Māori

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	<p>reservation as defined in s 4 of Te Ture Whenua Māori Act 1993 (s 5(1)(d)).</p> <p>(e) Within an aquaculture settlement area (s 5(1)(e)).</p> <p>(f) On land that is listed in Schedule 4 of the FTAA (s 5(1)(h)).</p> <p>(g) On a national reserve held under the Reserves Act 1977 (ss 5(1)(i), (j) and (k)).</p> <p>The activity:</p> <p>(a) Does not require an access arrangement under s 61 or 61B of the Crown Minerals Act 1991 (s 5(1)(f)).</p> <p>(b) Is not prevented under s 165J, 165M, 165Q, 165ZC, or 165ZDB of the Resource Management Act 1991 (s 5(1)(g)).</p> <p>(c) Is not a prohibited activity under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (s 5(1)(l)(i)).</p> <p>(d) Does not involve a type of discharge described by s 15B of the Resource Management Act 1991 that is prohibited (s 5(1)(l)(ii)).</p> <p>(e) Is not prohibited by s 15C of the Resource Management Act 1991 (s 5(1)(l)(iii)).</p> <p>(f) Does not involve a decommissioning-related activity (s 5(1)(m)).</p> <p>(g) Is not an offshore renewable energy project (s 5(1)(n)).</p>
Must, if the application is lodged by more than 1 authorised person, state the proposed approval to be held by each person (s43(1)(d))	The substantive application is not lodged by more than one authorised person
Must comply with any information requirements specified by the Minister under section 27(3)(b)(ii) (s43(1)(e)(i))	There are no requirements for the substantive application in the notice given by the Minister's decision on the referral application under s 27(3)(b)(ii) of the FTAA as the application is for a schedule 2 listed project.
Must comply with the requirements listed in subsection (3) that apply to the approvals sought (s43(1)(e)(ii))	Refer to Paragraphs 10.13 – 11.113 for the resource consent.

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	Refer to Paragraphs 16.2 – 16.32 for the wildlife approval.
Must, if the authorised person has applied under section 39 for a determination under section 23 or 24, include a copy of the notice under section 39(4) (s43(1)(f))	An application has not been made under s 39 of the FTAA for a determination under ss 23 or 24.
Must, if the application seeks an approval for an activity that is the subject of a determination under section 23, set out the steps taken to secure the agreement referred to in section 5(1)(a) (s43(1)(g))	The Project is not for an activity that is the subject of an application for a determination under s 23 of the FTAA.
Must state whether the application relates to a priority project and, if so, include confirmation that, to the best of the applicant's knowledge, there are no competing applications (s43(1)(h))	The application does not relate to a priority project.
Must be made by the deadline specified in the notice under section 28(3)(d) (s43(1)(i))	No deadline has been specified by the Minister under s 28(3)(b)(i) of the FTAA as the Project is listed under schedule 2.
Must not lodge a substantive application unless any fee, charge, or levy payable under regulations in respect of the application is paid (s43(1)(j))	The applicant has paid the necessary lodgement fee in respect of the substantive application.
If a substantive application is for a listed project, it must also contain the information required by section 13(4) (other than section 13(4)(b), (f)(ii) and (iii), and (g)) (s43(2))	A copy of the listing application, which contains all the information required by s 13(4) of the FTAA is appended as Attachment 35 . This information is also included throughout the substantive application.
Schedule 5, clause 6 of the Fast-track Approvals Act	
<p>An assessment of an activity's effects on the environment under clause 5(4) must include the following information:</p> <ul style="list-style-type: none"> (a) an assessment of the actual or potential effects on the environment: (b) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use: (c) if the activity includes the discharge of any contaminant, a description of— <ul style="list-style-type: none"> (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and (ii) any possible alternative methods of discharge, including discharge into any other receiving environment: (d) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of the activity: (e) identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapū that have been consulted in relation to the proposal: (f) if iwi or hapū elect not to respond when consulted on the proposal, any reasons that they have specified for that decision: (g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how the effects will be monitored and by whom, if the activity is approved: (h) an assessment of any effects of the activity on the exercise of a protected customary right. 	<p>Refer to:</p> <ul style="list-style-type: none"> (a) Section 10 (b) Paragraph 10.194 (c) Paragraphs 10.196 – 10.197 (d) Paragraphs 10.198 – 10.199 (e) Paragraph 10.200 and Attachment 3 (f) Paragraph 10.201 and Attachment 3 (g) Paragraphs 10.202 – 10.206 (h) Paragraph 10.207

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A consent application need not include any additional information specified in a relevant policy statement or plan that would be required in an assessment of environmental effects under clause 6(2) or 7(2) of Schedule 4 of the Resource Management Act 1991	Refer to paragraph 10.206
Schedule 5, clause 7 of the Fast-track Approvals Act	
<p>The assessment of an activity's effects on the environment under clause 5(4) must cover the following matters:</p> <ul style="list-style-type: none"> (a) any effect on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects: (b) any physical effect on the locality, including landscape and visual effects: (c) any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity: (d) any effect on natural and physical resources that have aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations: (e) any discharge of contaminants into the environment and options for the treatment and disposal of contaminants: (f) any unreasonable emission of noise: (g) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations. 	Refer to Paragraphs 10.13 – 10.192
Schedule 5, clause 5 of the Fast-track Approvals Act	
A description of the proposed activity (clause 5(1)(a))	Refer to Section 5
<p>A description and map of the site at which the activity is to occur, including whether the site is within or adjacent to –</p> <ul style="list-style-type: none"> (i) a statutory area (as defined in the relevant Treaty settlement Act); or (clause 5(1)(b)(i)) (ii) ngā rohe moana o ngā hapū o Ngāti Porou; or (clause 5(1)(b)(ii)) (iii) a protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011 (clause 5(1)(b)(iii)) 	Refer to Section 7
Confirmation that the consent application complies with section 46(2)(a), (b), and (d) (clause 5(1)(c))	Refer above to ss 42, 43 and 44 of the FTAA. The application relates solely to a listed project. The applicant has paid the necessary fee, charge or levy in respect of the application.
<p>The full name and address of –</p> <ul style="list-style-type: none"> (i) each owner of the site and of land adjacent to the site; and (ii) each occupier of the site and of land adjacent to the site whom the applicant is unable to identify after reasonable inquiry (clause 5(1)(d)) 	Refer to Paragraph 7.4
A description of any other activities that are part of the proposal to which the consent application relates (clause 5(1)(e))	Refer to Paragraph 8.12
A description of any other resource consents, notices of requirement for designations, or alternations to designations required for the project to which the consent application relates (clause 5(1)(f))	Refer to Paragraphs 8.1 – 8.4
An assessment of the activity against sections 5, 6, and 7 of the Resource Management Act 1991 (clause 5(1)(g))	Refer to Paragraphs 9.18 – 9.38
An assessment of the activity against any relevant provisions in any of the documents listed in subclause (2) (clause 5(1)(h))	Refer to Section 11
Information about any Treaty settlements that apply in the project area, including –	Refer to Section 12

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<ul style="list-style-type: none"> (i) the identification of the relevant provisions in those Treaty settlements; and (ii) a summary of any redress provided by those settlements that affects natural and physical resources relevant to the project or project area (clause 5(1)(i)) 	
A list of any relevant customary marine title groups, protected customary rights groups, ngā hapū o Ngāti Porou (where an application is within, adjacent to or directly affecting ngā rohe moana o ngā hapū o Ngāti Porou), or applicants under the Marine and Coastal Area (Takutai Moana) Act 2011 (clause 5(1)(j))	Refer Attachment 2
The conditions that the applicant proposes for the resource consent (clause 5(1)(k))	Refer Attachment 15
If a notice under section 30(3)(b) or (5) has been received, a copy of that notice showing that it was received within the time frame specified in section 30(6)(b) (clause 5(1)(l)(i))	Refer Attachment 4
<p>The documents referred to in subclause (1)(h) are the following:</p> <ul style="list-style-type: none"> (a) a national environmental standard; (b) other regulations made under the Resource Management Act 1991; (c) a national policy statement; (d) a New Zealand coastal policy statement; (e) a regional policy statement or proposed regional policy statement; (f) a plan or proposed plan; (g) a planning document recognised by a relevant iwi authority and lodged with a local authority (clause 5(2)) 	Refer to Section 11
<p>An assessment under subclause (1)(h) must include an assessment of the activity against –</p> <ul style="list-style-type: none"> (a) any relevant objectives, policies, or rules in a document listed in subclause (2); and (b) any requirement, condition, or permission in any rules in any of those documents; and (c) any other requirements in any of those documents (clause 5 (3)) 	Refer to Section 11
<p>A consent application must include an assessment of the activity's effects on the environment that –</p> <ul style="list-style-type: none"> (a) includes the information required by clause 6; and (b) covers the matters specified in clause 7 (clause 5 (4)) 	Refer to Paragraphs 10.13 – 10.205.
<p>A consent application must also include the following information:</p> <ul style="list-style-type: none"> (a) if a permitted activity is part of the proposal to which the consent application relates, a description that demonstrates that the activity complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1) of the Resource Management Act 1991); and (b) if the activity is to occur in an area that is within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 or the environmental covenant prepared by Ngā Hapū o Ngāti Porou under section 19 of the Ngā Rohe Moana o Ngā hapū o Ngāti Porou Act 2019, an assessment of the activity against any resource management matters set out in that document; and (c) if the activity is to occur in an area that is taiāpure-local fishery, a mātaihai reserve, or an area that is subject to bylaws made under Part 	<ul style="list-style-type: none"> (a) Refer to Paragraphs 8.9 – 8.10 (b) Refer to Paragraph 9.47 (c) N/A – the Project is not located in an area that is taiāpure-local fishery, a mātaihai reserve, or an area that is subject to bylaws made under Part 9 of the Fisheries Act 1996.

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9 of the Fisheries Act 1996, an assessment of the effects of the activity (clause 5(5))	
If the applicant is not able to supply the name and address of the owner and each occupier of the site and of land adjacent to the site because the land is Māori land in multiple ownership, the applicant must include a statement to that effect (clause 5(6))	N/A
If the substantive application is to be lodged by more than 1 authorised person, the references to the applicant in subclauses (1)(d), (k), (l) and (6) must be read as references to the authorised person who is to be identified in the application as the proposed holder of the resource consent (clause 5(7))	N/A
Schedule 7, clause 2 of the Fast-track Approvals Act	
Specify the purpose of the proposed activity: (clause 2(1)(a))	Refer to Paragraphs 16.2 – 16.7
Identify the actions the applicant wishes to carry out involving protected wildlife and where they will be carried out (whether on or off public conservation land) (clause 2(1)(b))	Refer to Paragraph 16.8
Include an assessment of the activity and its impacts against the purpose of the Wildlife Act 1953 (clause 2(1)(c))	Refer to Paragraphs 16.9 – 16.11
List protected wildlife species known or predicted to be in the area and, where possible, the numbers of wildlife present and numbers likely to be impacted (clause 2(1)(d))	Refer to Paragraphs 16.12 – 16.13
Outline impacts on threatened, data deficient, and at-risk wildlife species (as defined in the New Zealand Threat Classification System) (clause 2(1)(e))	Refer to Paragraphs 16.14 – 16.16
State how the methods proposed to be used to conduct the actions specified under paragraph (b) will ensure that best practice standards are met (clause 2(1)(f))	Refer to Paragraphs 16.17 – 16.18
Describe the methods to be used to safely, efficiently, and humanely catch, hold, or kill the animals and identify relevant animal ethics processes (clause 2(1)(g))	Refer to Paragraph 16.19
State the location or locations in which the activity will be carried out, including a map (and GPS co-ordinates if available) (clause 2(1)(h))	Refer to Paragraphs 16.20 – 16.21
State whether authorisation is sought to temporarily hold or relocate wildlife (clause 2(1)(i))	Refer to Paragraph 16.22
List all actual and potential wildlife effects (adverse or positive) of the proposed activity, including effects on the target species, other indigenous species, and the ecosystems at the site (clause 2(1)(j))	Refer to Paragraphs 16.23 – 16.25
Where adverse effects are identified, state what methods will be used to avoid and minimise those effects, and any offsetting or compensation proposed to address unmitigated adverse effects (including steps taken before the project begins, such as surveying, salvaging, and relocating protected wildlife) (clause 2(1)(k))	Refer to Paragraph 16.26
State whether the applicant or any company director, trustee, partner, or anyone else involved with the application has been convicted of any offence under the Wildlife Act 1953 (clause 2(1)(l))	Refer to Paragraph 16.27
State whether the applicant or any company director, trustee, partner, or anyone else involved with the application has any current criminal charges under the Wildlife Act 1953 pending before a court (clause 2(1)(m))	Refer to Paragraph 16.28
Provide proof and details of all consultation, including with hapū or iwi, on the application specific to wildlife impacts (clause 2(1)(n))	Refer to Paragraphs 16.29 – 16.31

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Provide any additional written expert views, advice, or opinions the applicant has obtained concerning their proposal (clause 2(1)(o))	Refer to Paragraph 16.32
Section 81 Decisions on approvals sought in substantive application	
Clauses 17 to 22 of Schedule 5 (s 81(3)(a))	Refer to Section 9
Clauses 5 and 6 of Schedule 7 (s 81(3)(i))	Refer to Section 11
Consideration of regional or national benefits and application (s 81(4))	Refer to Paragraphs 9.15 to 9.17
For the purposes of subsection (4), if the substantive application was made under section 42(1)(b), the panel (a) must treat the stage of the project to which the application relates as constituting the project; but (b) may consider the regional or national benefits of the whole project, having regard to the likelihood that any later stages of the project will be completed (s 81(5))	N/A
Section 82 Effect of Treaty settlements and other obligations on decision making	
If the settlement or Act provides for the consideration of any document, the panel must give the document the same or equivalent effect through the panel's decision making as it would have under any relevant specified Act (s 82(2))	Refer to Section 12
The panel must also consider whether granting the approval would comply with section 7 (s 82(3))	Refer to Section 12