

File ref: **FTAA-2504-1051**

12 May 2025

Fraser McNutt
Barker & Associates

s 9(2)(a)

Dear Fraser McNutt

Decision on compliance of application for Brymer project with section 14(2) of the Fast-track Approvals Act 2024

On 29 April 2025, you lodged an application for fast-track referral for **Brymer** project with the Ministry for the Environment (MfE) under the Fast-track Approvals Act 2024 (the Act).

MfE is responsible for determining whether referral applications are compliant with section 14(2) of the Act. For an application to be compliant with section 14(2), the following criteria must be met:

- The application must comply with the requirements for referral applications in section 13 of the Act;
- MfE must consider that the project may be capable of satisfying the criteria in section 22 of the Act, and does not appear to involve an ineligible activity; and
- All fees and charges payable under regulations in respect of the application must have been paid.

MfE has determined that your application does not comply with the requirements in section 14(2) of the Act for the following reasons:

1. Section 13(2)(d) – requirement to provide a general level of detail about each approval sought. This includes confirmation of wildlife approval under the Wildlife Act 1953 and archaeological approval under the Heritage New Zealand Pouhere Taonga Act 2014.
2. Section 13(4)(b) – requirement to explain how the project meets the criteria in section 22. This includes demonstrating how referring the project to the fast-track process would facilitate the project, including proposed staging, and how this meets the criteria in section 22.
3. Section 13(4)(f) – requirement to outline the nature and timing of stages, a statement of whether a separate substantive application is to be lodged for each of the stages and an explanation of how each stage meets the criteria in section 22. This includes outlining the proposed stages and explaining how each stage meets the criteria in section 22.
4. Section 13(4)(k) - requirement to consult on the project with relevant local authorities and relevant administering agencies. This includes consulting with the Department of Conservation (regarding approval under the Wildlife Act 1953) and Heritage New Zealand Pouhere Taonga (regarding approval under Heritage New Zealand Pouhere Taonga Act 2014).

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5. Section 13(4)(u) – requirement to identify whether any activities involved in the project have been the subject of a previous application or decision under a specified Act. This includes confirming whether the previous application was decided under a specified Act and providing the reasons for the decision.
6. Section 14(2)(b)(i) – whether the project is capable of satisfying the criteria in section 22. This includes demonstrating how referring the project to the fast-track approvals process would facilitate the project and whether staging (and each stage) will deliver significant regional (including economic) benefits.

In accordance with section 14(5) of the Act, the referral application is deemed non-compliant, and the application must be returned to the applicant.

Should you intend to prepare and lodge a new referral application for this project we recommend you contact the fast-track referrals team to discuss your application prior to lodging, at the following email address: FTAreferalls@mfe.govt.nz.

If you choose to lodge a new application for this project, it will be treated as a new application in accordance with section s 14(6)(a) of the Act.

Cost recovery

Under Regulation 5 of the Fast-track Approvals (Cost Recovery) Regulations 2025 you are liable for actual and reasonable costs incurred in processing your application. If the actual and reasonable costs are less than the application fee paid, then the Environmental Protection Authority (EPA) may issue you with a refund. Alternatively, if the actual and reasonable costs exceed the application fee, then the EPA may seek further fees from you. The EPA will provide you with information to advise you on this and can be contacted through the email address or phone number below.

Under Regulation 7, the EPA has discretion in whole or in part, for waiver or a refund of the levy. Further guidance is provided on the Fast-track website under '[Fees, charges and cost recovery](#)'. This discretion includes, amongst other things, if you intend to submit a new application for substantially the same project as a previous application. I recommend you contact the EPA to discuss any potential waiver prior to you submitting a new application.

If you have any queries about this letter or need assistance, please email contact@fasttrack.govt.nz or phone 0800 FASTRK (0800 327 875).

Yours sincerely



Ilana Miller
General Manager, Delivery and Operations

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