



Briefing: Fast-Track Approvals – Draft Cabinet Papers - Listed Projects and Nominees for the Fast-Track Projects Advisory Group

Date submitted: 11 March 2024

Tracking number: MfE reference: BRF-4408 / MBIE reference: 2324-2522

Security level: In Confidence

MfE priority: Urgent

Actions sought from Ministers		
Name and position	Action sought	Response by
To Hon Chris BISHOP Minister Responsible for RMA Reform	Agree to the recommendations below	13 March 2024
To Hon Shane JONES Minister for Regional Development	Provide feedback on the draft Cabinet papers	
	Approve forwarding to relevant Ministers	

Actions for Minister's office staff
<p>Forward this briefing to: Hon Simeon BROWN, Minister of Transport Hon Tama POTAKA, Minister of Conservation</p> <p>Return the signed briefing to the Ministry for the Environment (RM.Reform@mfe.govt.nz and ministerials@mfe.govt.nz)</p>

Appendices and attachments
<ol style="list-style-type: none"> 1. Long list of Fast-Track Projects Advisory Group nominees 2. Letter to Minister of Public Service consulting on fees for Group members 3. Draft Cabinet paper to Appointments and Honours Committee 4. Letter to interested parties inviting applications for listed projects 5. Draft Cabinet paper to Economic Policy Committee 6. Example of Stage 1 analysis document

Key contacts at Ministry for the Environment			
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Key contacts at Ministry of Business, Innovation and Employment			
<i>Position</i>	<i>Name</i>	<i>Cell phone</i>	<i>First contact</i>
Principal Author	Francis Van Der Krogt		
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Minister's comments

Fast-Track Approvals - Draft Cabinet Papers - Listed Projects Draft Cabinet Paper and Nominees for the Fast-Track Projects Advisory Group

Key messages

1. The purpose of this briefing is to seek:
 - i your agreement to the proposed process for assessing applications for projects to be included in Schedule 2 of the Fast-Track Approvals Bill
 - ii your direction on the number of projects expected to be included in Schedule 2A and 2B of the Bill
 - iii your direction of the role of officials and the Fast-Track Projects Advisory Group in the assessment process
 - iv your agreement to the referral of nominees to the Fast-Track Projects Advisory Group to the Cabinet Appointments and Honours Committee (a long list of potential nominees attached as Appendix 1)
 - v your agreement to send a letter to Minister for the Public Service (Hon Nicola Willis) consulting on fees for Fast-Track Projects Advisory Group members (draft letter attached as Appendix 2)
 - vi your agreement to provide a Cabinet paper to the Cabinet Appointments and Honours Committee, seeking endorsement of the appointment of the nominees to the Fast-Track Projects Advisory Group, and an exemption to the Fees Framework to enable higher remuneration for the Fast-Track Projects Advisory Group members (draft Cabinet paper attached as Appendix 3)
 - vii your agreement to send a letter to interested parties inviting applications for listed projects (attached as Appendix 4)
 - viii your agreement to provide a Cabinet paper to the Cabinet Economic Policy Committee, seeking endorsement of the proposed assessment process for applications to include projects on Schedule 2 of the Bill (attached as Appendix 5).

Background

3. Delegated Ministers agreed that the introduced version of the Bill would include empty lists in Schedule 2A and 2B as placeholders for listed projects, and that projects would be added to the Schedule later in the legislative process.
4. Cabinet [CAB-24-MIN-0066] also agreed that:
 - i listed projects will be proposed for inclusion in the Bill through the Departmental Report to the Environment Select Committee and/or an Amendment Paper when the Bill is returned to the House

- ii listed projects will be added by calling for nominations for consideration by a Fast-Track Projects Advisory Group, supported by an officials' secretariat, which would make recommendations to Ministers on which projects to include in the Bill
- iii the Fast-Track Projects Advisory Group will be made up of those who will represent a range of expertise and experience on matters such as infrastructure, economic development, environment, conservation, Treaty of Waitangi and local government.

Analysis

Application process

5. In order to support Ministers to decide which projects should be included in schedule 2 of the Bill, officials propose a two-stage process for assessing applications for listed projects. In stage 1 officials will undertake a completeness and ineligibility assessment and carry out treaty consultation, and in stage 2, a Fast-Track Projects Advisory Group will undertake an eligibility assessment and provide advice to Ministers.
6. We propose you seek Cabinet's endorsement of the assessment process. A draft cabinet paper to the Cabinet Economic Policy Committee is attached at Appendix 3 for your feedback.
7. Officials propose you send a letter (attached as Appendix 4) to interested parties (which includes Ministers who have put projects forward and Post-Settlement Governance Entities (PSGEs), groups yet to settle, and industry groups who have expressed an interest in the process) inviting applications for listed projects to be submitted for assessment and inclusion in the Bill.
8. Until the Select Committee meets, we are not able to advise you on how various process matters will occur (such as how the applications received through submissions will be resolved). We propose to provide you additional advice after the first Select Committee meeting, including advice on how projects will be put forward for inclusion in the Bill following the Select Committee process.

Fast-Track Projects Advisory Group

9. The Fast-Track Projects Advisory Group will comprise of five members (although we note this number may need to increase, depending on the volume of applications received), with expertise and experience on matters such as infrastructure, economic development, environment, conservation, Treaty of Waitangi and local government. A long list of Fast-Track Projects Advisory Group nominees is provided in Appendix 1, and we seek your decision on which nominees should be referred to the Cabinet Appointments and Honours Committee.
10. These nominees will need to be appointed by Cabinet. A draft cabinet paper to the Cabinet Appointments and Honours Committee (APH) for this purpose is attached as Appendix 3 for your feedback.
11. Given the skills and expertise required by the group members and the requirement for immediate availability, we anticipate you will need to seek an exception to the Cabinet Committee Fees Framework to enable higher remuneration. A draft letter to Minister Willis consulting on fees for Group members is attached as Appendix 2.

Treaty settlement obligations

12. Officials consider the steps set out in the application process section above will give effect to the Coalition Agreement to uphold Treaty settlements and the Crown's obligations to protect Māori rights and interests as recognised in the process for referred projects in the Bill, including:
 - i requirements on the applicant to identify and provide a summary of consultation with relevant groups
 - ii requirements on the assessment team to consult with the relevant treaty partners and prepare a report on impacts on Māori development and local PSGE settlement priorities, for the Fast-Track Projects Advisory Group to consider.
13. The truncated timeframe for the process could mean the information contained in applications and consultation by applicants is not as fulsome as required by the process in the Bill, which would mean the consultation carried out by the assessment team may carry more significance in this process.
14. Further information on the obligations and associated risks is set out in the Te Tiriti Analysis section.

Recommendations

We recommend that you:

- a. **note** Cabinet [CAB-24-MIN-0066] agreed that:
 - i. listed projects will be proposed for inclusion in the Fast-Track Approvals Bill through the Departmental Report to the Environment Committee and/or an Amendment Paper when the Bill has returned to the house
 - ii. listed projects will be added by calling for nominations for consideration by a Fast-Track Projects Advisory Group, supported by an officials' secretariat, which would make recommendations to Ministers on which projects to include in the Fast-Track Approvals Bill
 - iii. the Fast-Track Projects Advisory Group will be made up of those who will represent a range of expertise and experience on matters such as infrastructure, economic development, environment, conservation, Treaty of Waitangi and local government.
- b. **agree** with the following assessment process for applications to have projects listed in Schedule 2 of the Fast-Track Approvals Bill:
 - i. applicants submit applications to have their project included in Schedule 2 and identify which list they want to be on
 - ii. an assessment team of officials from the Fast-Track cross-agency group will carry out a stage 1 analysis of the application, which includes an initial completeness assessment of the application and an assessment against the ineligibility criteria set out in the Bill and provide a report to the Fast-Track Projects Advisory Group
 - iii. as part of the stage 1 analysis, the assessment team will also consider the impacts of the project on Māori development and local PSGE settlement priorities
 - iv. the Fast-Track Projects Advisory Group will carry out a stage 2 analysis of the application, which includes reviewing the assessment team's ineligibility criteria

assessment and assessment of the impacts on Māori development and local PSGE settlement priorities, assessing the application against the eligibility criteria and making recommendations to Ministers on the suitability of the project for inclusion in the Bill

- v. the Minister responsible for RMA Reform and the Minister for Regional Development will receive the Fast-Track Projects Advisory Group's recommendation report and make a decision on which projects should be included in the Bill

Yes | No

- c. **direct** officials on the respective roles of officials and the Fast-Track Projects Advisory Group in the assessment process, either

- i. Preferred option - officials assess projects on the grounds of completeness of application and ineligibility and provide information to the Advisory Group to assist with its assessment (with the support of a secretariat) of the project against the eligibility criteria and recommendation (this will be more resource-intensive on the Advisory Group); or

Yes | No

- ii. Officials assess projects on the grounds of completeness of application, ineligibility *and* against the eligibility criteria and the Advisory Group's role is to review that assessment and make its recommendation (this will be more resource intensive on agencies)

Yes | No

- d. **direct** officials on the expected breadth Schedule 2A and the criteria which should be applied to achieve this number, either

- i. Schedule 2A will be a limited list, intended to service the first year of an expert panel after enactment; or

Yes | No

- ii. Schedule 2A will be a broad list, capturing all projects that might be ready to apply to an Expert Panel within two or more years after enactment (noting this could make it difficult to prioritise assessment of any significant projects identified post-enactment)

Yes | No

- e. **note** that officials will provide you with further advice on the mechanism to include projects in the Bill after the first meeting of the Select Committee

- f. **note** that officials will provide you with appointee Terms of Reference after the first meeting of the Select Committee, including advice on how the panel might assess the relative national or regional significance of nominated projects

- g. **instruct** officials which nominees you would like to appoint to the Fast-Track Projects Advisory Group:

Yes | No

- h. **agree** to seek an exemption from Minister for the Public Service to the Fees Framework to enable higher remuneration for the Fast-Track Projects Advisory Group members

Yes | No

- i. **sign and agree** to send a letter to Minister Willis consulting on fees for Fast-Track Projects Advisory Group members
Yes | No
- j. **agree** to provide a Cabinet paper to the Cabinet Appointments and Honours Committee on the appointment of the nominees to the Fast-Track Projects Advisory Group
Yes | No
- k. **agree** to provide a Cabinet paper to the Cabinet Economic Policy Committee seeking their endorsement of the assessment process for inclusion of projects on Schedule 2 of the Bill
Yes | No
- l. **sign and agree** to send a letter to interested parties inviting applications for listed projects.
Yes | No

Signatures



Nadeine Dommissé
Deputy Secretary, Environmental
Management and Adaptation
Ministry for the Environment
[Date]



Paul Stocks
Deputy Chief Executive, Building
Resources and Markets
**Ministry of Business, Innovation and
Employment**
[Date]

Hon Chris Bishop
Minister Responsible for RMA Reform

Date

Hon Shane Jones
Minister for Regional Development

Date

Fast-Track Approvals - Draft Cabinet Papers - Listed Projects Draft Cabinet Paper and Nominees for the Fast-Track Approvals Legislation - Projects Advisory Group

Purpose

1. This paper seeks your agreement to recommendations on the process for including listed projects in the Fast-Track Approvals Bill. It also provides advice on the Treaty settlement obligations associated with listed projects.
2. The paper contains a number of recommendations and advice relating to the Fast-Track Projects Advisory Group. It seeks:
 - a. your agreement to the proposed process for assessing applications for projects to be included in Schedule 2 of the Fast-Track Approvals Bill
 - b. your direction on the number of projects expected to be included in Schedule 2A and 2B of the Bill
 - c. your direction of the role of officials and the Fast-Track Projects Advisory Group in the assessment process
 - d. your agreement to the referral of nominees to the Fast-Track Projects Advisory Group to the Cabinet Appointments and Honours Committee
 - e. your agreement to send a letter to Minister Willis consulting on fees for Fast-Track Projects Advisory Group members
 - f. your agreement to provide a Cabinet paper to the Cabinet Appointments and Honours Committee, seeking endorsement of the appointment of the nominees to the Fast-Track Projects Advisory Group, and an exemption to the Fees Framework to enable higher remuneration for the Fast-Track Projects Advisory Group members
 - g. your agreement to send a letter to interested parties inviting applications for listed projects
 - h. your agreement to provide a Cabinet paper to the Cabinet Economic Policy Committee, seeking endorsement of the proposed assessment process for applications to include projects on Schedule 2 of the Bill.

Background

15. On 23 January 2024, Cabinet agreed to introduce legislation for a permanent Fast-Track regime by 7 March 2024 (within 100 days of taking office) and agreed to the key elements of the legislation.

16. Cabinet agreed [CAB-24-MIN-0008] that, in addition to the standard application process, the bill will contain a schedule of projects (“listed projects”) to be automatically referred to an Expert Panel (EP). Projects can access the Fast-Track process either by applying to be referred to an Expert Panel (EP) by joint Ministers, or through inclusion in Schedule 2 to the Bill as a listed project.
17. Schedule 2 has two Parts. Projects listed in Part A will be directly referred to an EP upon the Bill receiving Royal Assent. Projects listed in Part B, while having demonstrated they meet the purpose of the Bill, will still need to be referred to an EP by joint Ministers.
18. Delegated Ministers agreed that the introduced version of the Bill would include empty lists as a placeholder for listed projects, and that projects would be added to these Schedule later in the legislative process.
19. Cabinet [CAB-24-MIN-0066] also agreed that:
 - i listed projects will be proposed for inclusion in the Bill through the Departmental Report to the Environment Committee and/or an Amendment Paper when the Bill has returned to the house
 - ii listed projects will be added by calling for nominations for consideration by a Fast-Track Projects Advisory Group, supported by an officials’ secretariat, which would make recommendations to Ministers on which projects to include in the Bill
 - iii the Fast-Track Projects Advisory Group will be made up of those who will represent a range of expertise and experience on matters such as infrastructure, economic development, environment, conservation, Treaty of Waitangi and local government.

Analysis and advice

Application process

20. As stated in paragraph 7, Cabinet has agreed to the broad assessment process for listed project applications. In order to more clearly define the roles of officials, the Fast-Track Projects Advisory Group and Ministers, officials propose the following process for assessing applications for listed projects (Appendix 1):
 - i After receiving an application, an assessment team of officials from the cross-agency group will carry out a stage 1 analysis of the application, which includes an initial completeness assessment of the application and an assessment against the ineligibility criteria set out in the Bill and provide a report to the Fast-Track Projects Advisory Group
 - ii as part of the stage 1 analysis, the assessment team will also consider the impacts of the project on Māori development and local PSGE settlement priorities
 - iii The Fast-Track Projects Advisory Group will carry out a stage 2 analysis of the applications, which includes reviewing the assessment team’s assessment and assessment of impacts on Māori development and local PSGE settlement priorities, undertaking an eligibility criteria assessment and making recommendations to Ministers on the suitability of the project for inclusion in the Bill

- iv You will receive the Fast-Track Projects Advisory Group's recommendation report and make a decision on which projects should be included in the Bill.
21. It is not confirmed at this stage what will be the responsibility of officials and what will be the responsibility of the Fast-Track Projects Advisory Group. Above, we propose that officials undertake an assessment only against the aspects of the Bill that would render a project ineligible to use the process (stage 1 analysis), with the Advisory Group undertaking the substantive eligibility assessment (stage 2 analysis). The stage 1 analysis is similar to the approach taken under the previous COVID-19 Fast-Track regime, where officials would provide initial advice on the eligibility of a project to utilise the Fast-Track process and highlight key issues, prior to a substantive assessment being undertaken. An example of a COVID-19 Fast-Track stage 1 briefing is provided in Appendix 6.
22. It is also not clear at this stage how many projects are expected to be included in Schedule 2A of the Bill. If Schedule 2A will only include projects which would be referred to an Expert Panel in the first year after enactment (anticipated as approximately 20 projects) then this would be a relatively limited list, but if the Schedule were to include all projects which may apply in a longer timeframe, for example two years, then it would naturally be substantially longer.
23. Both of the above matters have significant implications for the amount of time and resources which will need to be allocated to the assessment process, especially given there are only 5 members proposed for the Fast-Track Projects Advisory Group at this stage. Listing a large number of projects could also overload the expert panels that will consider listed projects post-enactment, slowing down their work, and perhaps not prioritising the most significant projects for panel assessment. We seek your direction on these matters.
24. We propose you seek Cabinet's endorsement of the assessment process. A draft cabinet paper to the Cabinet Economic Policy Committee is attached at Appendix 3 for your feedback.
25. We expect that applications for listed projects will also be submitted to, and considered by, the Select Committee during the public submissions process. Until the Select Committee meets we are not able to advise you how the two mechanisms for apply to have projects listed will be managed. We propose to provide you additional advice after the first Select Committee meeting to confirm this process with you, and provide advice on how projects will be put forward for inclusion in the Bill following the Select Committee process.
26. The Bill sets out clear requirements for Ministers to engage with relevant iwi authorities and Treaty settlement entities when considering applications for referral to an EP, but does not articulate the engagement required when considering applications for inclusion on Schedule 2. There is therefore a risk that if the Crown does not carry out appropriate engagement with Treaty partners during consideration of applications for inclusion on Schedule 2 it will fail to meet obligations under Treaty settlements and the Ngā Rohe Moana o Nga Hapū o Ngāti Porou Act 2019 (NHNPA).
27. This is discussed further below in the Treaty analysis section, but consideration will need to be given to ensuring there is enough time in the application assessment process to enable sufficient engagement with Treaty partners to meet settlement obligations.

28. There is a possibility that if applications are required to meet the information requirements in the Bill, applicants may not have sufficient time to undertake the consultation with affected parties (including Treaty partners) required in the Bill. We note that Ministers have discretion to include any eligible projects in the Schedule, so this risk could be mitigated by officials or Ministers undertaking consultation with Treaty partners.

Fast-Track Projects Advisory Group

29. Cabinet has agreed the Fast-Track Projects Advisory Group should have a range of expertise and experience on matters such as infrastructure, economic development, environment, conservation, Treaty of Waitangi and local government. In order to enable sufficient expertise and experience we propose that the Fast-Track Projects Advisory Group will comprise of up to five members. Appendix 1 provides a long list of nominees. We seek your decision on which nominees should be appointed to the Fast-Track Projects Advisory Group.
30. These nominees will need to be appointed by the Cabinet Appointments and Honours Committee (APH). A draft cabinet paper seeking approval from the APH for this is attached as Appendix 3 for your feedback.
31. The exact role of the Fast-Track Projects Advisory Group cannot be confirmed until after the Select Committee meets and sets expectations for timeframes, and clarifies how applications for listing projects through submissions will be managed. We propose to provide you with appointee Terms of Reference once the Select Committee has met.
32. All Ministerial appointees are generally paid in line with the Cabinet Committee Fees Framework. Given the skills and expertise required by the Group members and the requirement for immediate availability, we anticipate you will need to seek an exception to the Fees Framework to enable higher remuneration from the Minister for the Public Service. A draft letter to Minister Willis consulting on fees for Group members is attached as Appendix 2.
33. The draft Cabinet paper to the APH Committee also seeks the endorsement of the appointment of the Group members at the higher fee. This is in line with recent Ministerial appointments such as the Group members and subsequent Ministerial Advisors appointed for the Ministerial Inquiry into Land Use in Tairāwhiti and Wairoa.

Te Tiriti analysis

34. Crown obligations under Te Tiriti, Treaty settlements, and other arrangements can be upheld using the process set out in the 'Treaty settlement obligations' section above, and in the recommendations.
35. The Crown has an obligation to identify relevant Treaty settlement implications and engage with affected parties as part of assessing the applications, arising from:
- i commitments in Treaty settlements and the Ngā Hapu o Ngāti Porou Deed of Agreement; and
 - ii the Coalition Agreement's commitment to protecting Treaty settlements.

36. The Crown also has a general obligation to protect Māori rights and interests which includes groups which have not yet entered into a signed deed of settlement. These obligations are recognised and given effect to through the process set out in the Fast-Track Approvals Bill, which includes a number of specific protections for settlements and other arrangements at the Ministerial referral stage that will be bypassed for projects on Schedule 2A projects. Applicants are required to have provided information about consultation with affected groups when submitting their application (clauses 14 and 16); Ministers are required to consider a report on Treaty settlements and other obligations (clause 13); and Ministers are required to consult with relevant groups (clause 19).
37. In addition, clause 6 of the Bill requires all persons exercising functions under the Act must act in a manner consistent with obligations arising under existing Treaty settlements and customary rights recognised under the Marine and Coastal Area (Takutai Moana) Act 2011 (TMA) and the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 (NHNP). While this clause will not yet be in force at the time the projects are listed (before the legislation is enacted), it will apply to the EP's consideration and Ministers' final decisions on the listed projects after the legislation is enacted. It will therefore be efficient for any relevant matters to be identified and engagement undertaken as part of the assessment team's consideration.
38. Officials consider the requirement on the applicant to identify and provide a summary of consultation with relevant groups, and the assessment team to consult with relevant groups and prepare a report for the Fast-Track Projects Advisory Group to consider, give effect to the Crown's obligations.
39. Meaningful engagement to meet Treaty settlement commitments would require that groups are provided with sufficient detail of an application to be able to assess the impact it would have on their interests and that they are provided with sufficient time to provide comments before a recommendation is provided to the Fast-Track Projects Advisory Group to you.
40. There are risks that truncated timings for this process could limit the effectiveness of these steps in the following ways:
- i Applications may come in without consultation having been carried out. In this case the step for officials to carry out consultation will be even more important.
 - ii Officials' capacity to undertake effective engagement could be limited depending on the number of applications received and the information provided.

Other considerations

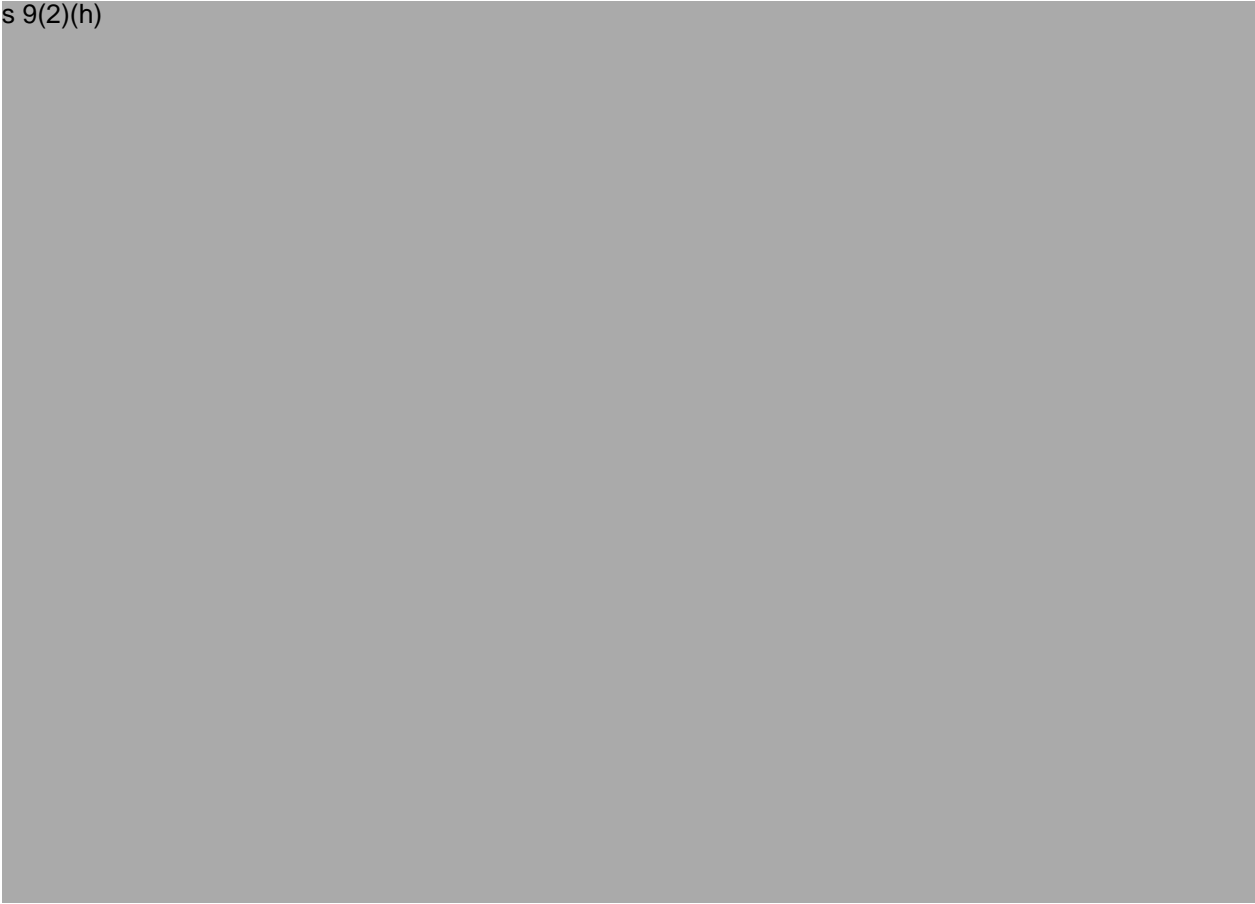
Communications and process considerations

41. It will be important that there are clear communications made to the public around the process for how listed projects will end up in the bill. We anticipate there will be a lot of public interest in listed projects, given those in Part A of Schedule 2 will be directly referred to the Expert Panel (rather than going through the Ministerial referral process). It will also be important to clearly communicate how to submit an application to the Fast-

Track Projects Advisory Group to have a project listed, to reduce the number of applications made via submission to the Select Committee (therefore limiting two parallel different processes taking place to get projects listed).

42. Clear processes, timeframes and criteria for submitting applications for listed projects will also need to be provided to the public. Adequate time needs to be provided for applicants to prepare applications, the assessment team to carry out an initial assessment of the application and relevant Treaty settlements engagement, the Fast-Track Projects Advisory Group to review the team's assessment and provide written advice to you on the listed project applications, before you make the final decision. As the Select Committee process is running for six months, and this listed projects review process is running parallel, it too will need to be completed within the Select Committee timeframe, with adequate time allocated for each stage of the assessment process. The Cabinet paper sets out the relevant timeframes for this process.

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Financial, regulatory and legislative implications

45. Financial implications for MfE of delivering commitments within the RMA framework and on replacing the RMA will be addressed through an invited Budget initiative – RMA replacement in Budget 2024 process. We note that Budget 2022 funding for system operation and maintenance was withdrawn in the Mini Budget (\$61m in 2024/25 rising to \$82m for 2027/28 and outyears).
46. This process is conditional on budget decisions. Agreeing the work programme would be a Budget 2024 pre-commitment as new funding to deliver Fast-Track approvals is subject to Budget decision-making.

Next steps

47. The table below sets out the proposed timeline for next steps, pending your approval:

Task	Date to be completed by
Fast-Track Approvals Bill introduced	7 March 2024
Select Committee first meeting	TBC
Select Committee submissions period opens, along with applications to the assessment team/Fast-Track Projects Advisory Group for listed projects	8 March 2024
You provide your feedback on the draft Cabinet paper attached, and agreement to the recommendations	13 March 2024
Officials to send the letter attached as Appendix 2 to Minister Willis in relation to the Fast-Track Projects Advisory Group member fees	13 March 2024
Seek approval from the Cabinet Appointments and Honour Committee to appoint Fast-Track Projects Advisory Group members and an exemption to the Fees Framework	Cabinet paper lodged 22 March 2024 Committee meeting 26 March 2024 Cabinet meeting 2 April 2024
Seek endorsement of the assessment process from the Cabinet Economic Policy Committee	Cabinet paper lodged 22 March 2024 Committee meeting 26 March 2024 Cabinet meeting 2 April 2024
Fast-Track Projects Advisory Group Nominees appointed	29 March 2024
First meeting of the Fast-Track Projects Advisory Group	TBC
Applications to the assessment team/Fast-Track Projects Advisory Group for listed projects close	1 May 2024
Fast-Track Projects Advisory Group to provide written recommendation to Ministers	1 June 2024
Group disestablished	2 June 2024

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Office of the Minister Responsible for RMA Reform

Office of the Minister for Regional Development

Chair - Cabinet

Fast-Track Approvals Bill – Assessment process for listed projects

Proposal

- 1 This paper seeks your agreement to the process for the assessment of applications to include projects in Schedule 2 of the Fast-Track Approvals Bill (the Bill).

Relation to Government priorities

- 2 On 23 January 2024, Cabinet agreed [CAB-24-MIN-0008 refers] to introduce legislation for a permanent fast-track regime by 7 March 2024 (within 100 days of taking office) and agreed to the key elements of the legislation. Introducing the Bill within our first 100 days in office is part of the National/NZ First Coalition Agreement.
- 3 This new fast-track regime will improve decision making timeframes and give greater investment certainty for projects that have significant regional or national benefits, providing an efficient and clear pathway to approval. The proposed legislation will replace the Natural and Built Environment Act 2023 (NBA) fast-track consenting process.

Background

- 4 The Bill consolidates and speeds up multiple approval processes across different legislation that are typically required for large and/or complex projects. This will enable more certainty and an efficient pathway to approval.
- 5 The purpose of the Bill is to provide a fast-track decision making process that facilitates the delivery of infrastructure and development projects with significant regional or national benefits. When it comes to decision-making, the purpose of this Act will take precedence over others.
- 6 Cabinet agreed that, in addition to the standard application process, the Bill will contain a schedule of projects (“listed projects”) to be automatically referred to an Expert Panel (EP). Projects can access the fast-track process either by applying to be referred to an EP by joint Ministers, or through inclusion in Schedule 2 to the Bill as a listed project.
- 7 Schedule 2 has two Parts. Projects listed in Part A will be directly referred to an EP upon the Bill receiving Royal Assent. Projects listed in Part B, while having demonstrated they meet the purpose of the Bill, will still need to be referred to an EP by joint Ministers.
- 8 Delegated Ministers agreed that the introduced version of the Bill would include empty lists as a placeholder for listed projects, and that projects would be added to these Schedule later in the legislative process.
- 9 Cabinet also agreed [CAB-24-MIN-0066 refers] that:

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- 9.1 listed projects will be proposed for inclusion in the Bill through an Amendment Paper when the Bill is returned to the House
- 9.2 listed projects will be added by calling for nominations for consideration by a Fast-Track Projects Advisory Group (Advisory Group), supported by an officials' secretariat, which would make recommendations to Ministers on which projects to include in the Bill
- 9.3 the Advisory Group will be made up of members who will represent a range of expertise and experience on matters such as infrastructure, economic development, environment, conservation, Treaty of Waitangi and local government.

Analysis

Application process

- 10 In order to support Ministers to decide which projects should be included in Schedule 2 of the Bill, officials propose the following process for assessing applications for listed projects (Appendix 1):
 - 10.1 Applicants submit applications to have their project included in Schedule 2 of the Bill and identify which list they want to be on. The information and engagement requirements for these applications will be based on what is needed for a referral application in the Bill.
 - 10.2 An assessment team of officials from the cross-agency group will carry out an initial completeness review of the application and a review against the ineligibility criteria set out in the Bill and provide a report to the Advisory Group.
 - 10.3 The assessment team will also consider the impact of the project on Māori development and local Post Settlement Governance Entity (PSGE) settlement priorities and summarise their findings.
 - 10.4 The Advisory Group will review the assessment team's report, undertake an eligibility criteria assessment and make recommendations to Ministers on the suitability of the project for inclusion in the Bill.
 - 10.5 The Ministers for Infrastructure, Transport and Regional Development will receive the Advisory Group's recommendation report and make a decision on which projects from that report should be included in the Bill.

Advisory Group

- 11 The Advisory Group, while considering projects' eligibility, will also consider:
 - 11.1 Projects' overall merit to be listed
 - 11.2 Whether projects should be on Schedule 2A or 2B
 - 11.3 Any risks that should be considered
 - 11.4 Priority of projects to go an Expert Panel.
- 12 The Advisory Group will comprise up to five members, and Cabinet has agreed the Advisory Group should have a range of expertise and experience on matters such as

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infrastructure, economic development, environment, conservation, Treaty of Waitangi and local government. We sought nominations to the Group from delegated Ministers and relevant agencies and a separate paper on the appointment of nominees will be considered by the Cabinet Appointments and Honours Committee.

- 13 I have written to the Chair of the Environment Committee requesting the Committee not consider submissions on what projects should be listed in the Bill.
- 14 The proposed timeline for the assessment process is:
 - 14.1 Applications portal will be open from 2 April to 1 May 2024
 - 14.2 Advisory Group will be appointed prior to 1 May 2024
 - 14.3 Advisory Group provides its recommendations to Ministry for the Environment (MfE) and Ministry for Business, Innovation and Employment (MBIE) by 1 June 2024
 - 14.4 MfE and MBIE officials to provide list of projects and any supplementary analysis to Ministers by 2 July 2024

Cost-of-living Implications

- 15 There will be no cost-of-living implications of this proposal.

Financial Implications

- 16 Without an understanding of the number of applications which will be received, we cannot give a reasonable estimate of the total financial implications of running an Advisory Group and secretariat at this time.
- 17 For the Ministry for the Environment (MfE) the ability to deliver is conditional on budget decisions. Agreeing the work programme would therefore be a Budget 2024 pre-commitment. There is also a risk with regard for both MfE and other agencies if the complexity of the assessments is high and/or agencies cannot fully cost recover their costs.

Legislative Implications

- 18 This Advisory Group is making recommendations on projects to populate Schedule 2A and 2B of the Bill, that if accepted by Ministers will result in amendments being made to the Bill (<https://dpmc.govt.nz/publications/co-02-4-acts-binding-crown-procedures-cabinet-decision>).

Impact Analysis

Regulatory Impact Statement

- 19 The Treasury and MfE previously agreed that supplementary analysis will be provided when the fast-track legislation is considered by Cabinet in March 2024.
- 20 The Supplementary Analysis Report (SAR) was attached as Appendix 3 to [Fast-track Consenting Legislation]. Some of the options discussed in the SAR will impose costs on, or create savings for, a range of actors including the Crown, local government, iwi/Māori, the development community, the general public, or future generations. While

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the SAR can anticipate where these costs or savings will fall, their monetary value can be difficult to quantify.

Consultation

- 21 We can confirm that a condensed but appropriate consultation process has been followed in preparing this paper.
- 22 Comments on this paper were sought from the Ministry of Housing and Urban Development, Department of Conservation, Department of Prime Minister and Cabinet, Ministry of Transport, Ministry of Primary Industries, Ministry of Māori Crown Relations: Te Arawhiti, Ministry of Culture and Heritage, and the Infrastructure Commission Te Waihanga.

Communications

- 23 Minister Bishop will advise Ministers who have put projects forward, PSGEs, and industry groups who have expressed interest in the Fast-track process about the assessment process.
- 24 We will also issue a press release inviting applications and explaining how the assessment process will operate.

Proactive Release

- 25 We intend to proactively release this paper, subject to redactions as appropriate under the Official Information Act 1982.

Recommendations

The Minister Responsible for RMA Reform and the Minister for Regional Development recommend that the Committee:

- 1 **note** that on 23 January 2024, Cabinet agreed [CAB-24-MIN-0008 refers] to introduce legislation for a permanent fast-track regime by 7 March 2024 (within 100 days of taking office) and agreed to the key elements of the legislation
- 2 **note** that Cabinet [CAB-24-MIN-0066] also agreed that:
 - 2.1 listed projects will be proposed for inclusion in the Bill through the Departmental Report to the Environment Committee and/or an Amendment Paper when the Bill is returned to the House
 - 2.2 listed projects will be added by calling for nominations for consideration by a Fast-Track Projects Advisory Group, supported by an officials' secretariat, which would make recommendations to Ministers on which projects to include in the Bill
 - 2.3 the Fast-Track Projects Advisory Group will be made up of those who will represent a range of expertise and experience on matters such as infrastructure, economic development, environment, conservation, Treaty of Waitangi and local government.
- 3 **agree** to the following process for assessing applications for inclusion of projects on Schedule 2 of the Fast-Track Approvals Bill:

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- 3.1 Applicants submit applications to have their project included in Schedule 2 of the Bill and identify which list they want to be on. The information and engagement requirements for these applications will be based on what is needed for a referral application in the Bill
- 3.2 An assessment team of officials from the cross-agency group will carry out an initial completeness review of the application and a review against the ineligibility criteria set out in the Bill and provide a report to the Advisory Group
- 3.3 The assessment team will also consider the impact of the project on Māori development and local Post Settlement Governance Entity (PSGE) settlement priorities and summarise their findings
- 3.4 The Advisory Group will review the assessment team's report, undertake an eligibility criteria assessment and make recommendations to Ministers on the suitability of the project for inclusion in the Bill
- 3.5 The Ministers for Infrastructure, Transport and Regional Development will receive the Advisory Group's recommendation report and make a decision on which projects from that report should be included in the Bill.

Authorised for lodgement

Hon Chris Bishop
Minister Responsible for RMA Reform

Hon Shane Jones
Minister for Regional Development

In-Confidence

Office of the Minister Responsible for RMA Reform

Office of the Minister of Regional Development

Chair, Cabinet Appointments and Honours Committee

Fast-Track Approvals Bill – Appointments to Fast-Track Project Advisory Group

Proposal

1. This paper sets out our intention to make five appointments to a Fast-Track Project Advisory Group to review applications to include listed projects in the Fast-Track Approvals Bill (the Bill) Schedule 2 and provide advice to Ministers.
2. We (Minister Responsible for RMA Reform and Minister of Regional Development) propose to appoint the following as group members to the Fast-Track Project Advisory Group (Group Members) for the assessment of projects for inclusion in the Bill, in a process running parallel with the Select Committee process: A non-statutory role with a four-month term commencing 2 April 2024 and expiring late July 2024:
 1. David Tapsell (Chair)
 2. Rosie Mercer
 3. Vaughan Wilkinson
 4. David Hunt
 5. Murray Parrish

Relation to government priorities

3. On 23 January 2024, Cabinet agreed [CAB-24-MIN-0008 refers] to introduce legislation for a permanent Fast-Track regime by 7 March 2024 (within 100 days of taking office) and agreed to the key elements of the legislation. Introducing the Bill within our first 100 days in office was part of the National/NZ First Coalition Agreement.
4. This new Fast-Track regime will improve decision-making timeframes and give greater investment certainty for projects that have significant regional or national benefits, providing an efficient and clear pathway to approval. The proposed legislation will replace the Natural and Built Environment Act 2023 (NBA) Fast-Track consenting process.

Background

5. The Bill consolidates and speeds up multiple approval processes across different legislation that are typically required for large and/or complex projects. This will enable more certainty and a “one stop shop” pathway to approval.
6. The purpose of the Bill is to provide a Fast-Track decision-making process that facilitates the delivery of infrastructure and development projects with significant regional or national

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benefits. When it comes to decision-making, the purpose of this Act will take precedence over others.

7. Cabinet also agreed that, in addition to the standard application process, the Bill will contain a schedule of projects (“listed projects”) to be automatically referred to an Expert Panel (EP). Projects can access the Fast-Track process either by applying to be referred to an EP by joint Ministers, or through inclusion in Schedule 2 to the Bill as a listed project.
8. Schedule 2 has two Parts. Projects listed in Part A will be directly referred to an EP upon the Bill receiving Royal Assent. Projects listed in Part B, while having demonstrated they meet the purpose of the Bill, will still need to be referred to an EP by joint Ministers.
9. Delegated Ministers agreed that the introduced version of the Bill would include empty lists as a placeholder for listed projects, and that projects would be added to the Schedule later in the legislative process.
10. Cabinet [CAB-24-MIN-0066] also agreed that:
 - listed projects will be proposed for inclusion in the Bill through the Departmental Report to the Environment Committee and/or an Amendment Paper when the Bill is returned to the House
 - listed projects will be added by calling for nominations for consideration by a Fast-Track Project Advisory Group, supported by an officials’ secretariat, which would make recommendations to Ministers on which projects to include in the Bill
 - the Fast-Track Project Advisory Group members will comprise those who will represent a range of expertise and experience on matters such as infrastructure, economic development, environment, conservation, Treaty of Waitangi and local government.

Comment

11. I intend to appoint the following individuals as Fast-Track Project Advisory Group members for a four-month term:

Appointee	Expertise and experience
David Tapsell	David is a Board member of Te Puia NZMACI and Finance and Expenditure Chair of Pukeroa Oruawhata Group. He is a commercial lawyer and company director with over 20 years’ experience. The Pukeroa Group now manages property assets worth over \$210 million and is broadening its portfolio into the flourishing tourism market.
Rosie Mercer	Rosie is an experienced executive leader with strong experience in infrastructure, port and supply chain environments. She is a Civil engineer with extensive experience in delivery of infrastructure projects and understanding of whole of life requirements for major infrastructure assets. Also has Governance experience with specific strengths in regional economic development, supply chain and port related businesses.

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	<p>Rosie has strong commercial acumen with experience in developing and delivering innovative and commercial ideas, and experience partnering with mana whenua, iwi and hapu.</p>
<p>Vaughan Wilkinson</p>	<p>With four decades of experience in the marine and seafood sector, Vaughan has incomparable knowledge and understanding of the industry, as well its customers, and has developed strong Governmental relationships, consumer insights, and industry connections.</p> <p>Always having had an interest in the ocean and its inhabitants, Vaughan turned a life-long passion into a life-long career.</p> <p>After completing a Master of Science (First Class Honours) in Marine Biology, Vaughan covered a variety of roles from Oceanographer to Fisheries Manager for the Ministry of Fisheries.</p> <p>He then moved to the business side of the industry, holding a series of senior management positions at various fishing establishments, including Sanford Limited and Simunovich Fisheries Limited.</p> <p>This storied career has given Vaughan extensive experience in transport and logistic supply chains in both the export and import of primary products, as well as diverse governance and public policy experience having Chaired major domestic and international seafood industry stakeholder bodies.</p>
<p>David Hunt</p>	<p>David has over 20 years' experience in the electricity and broader infrastructure sectors, spanning executive, advisory and governance roles.</p> <p>He was formerly Chief Executive of Contact Energy and since 2006 has been a consulting director at Concept Consulting Group, a firm specialising in energy, utility and decarbonisation issues.</p> <p>At Concept, David has led or been closely involved in consulting assignments for businesses and government bodies in New Zealand, Australia and Singapore.</p> <p>He also has over a decade of governance experience. He was formerly an independent director of Synergy (an Australian energy company) and is currently on the boards of Accident Compensation Corporation and Christchurch City Holdings.</p> <p>David is a member of the New Zealand Institute of Directors and holds degrees in economics and statistics from Massey University.</p>
<p>Murray Parrish</p>	<p>Murray was a Regulatory Manager at Oji Fibre Solutions from 2010 until retirement in 2022. In this role, he provided an interface with regulators and customers on matters of topical environmental interest and liability.</p> <p>Prior to this, Murray has worked for Carter Holt Harvey Forests (1990 – 2000) as an Environment Manager, and Carter Holt Harvey Corporate (2000-2010) as a Corporate Environment Manager. In this role, he provided oversight and management of the company's industrial operations in New Zealand and Australia. Operations encompassed most forms of wood processing, including sawmilling,</p>

	<p>panels and plywood manufacture, pulp, paper, paper packaging and recycling businesses.</p> <p>Murray began his career at the Department of Scientific and Industrial Research (1985 – 1990), as an Advisory Officer within the Environmental Coordinators Office, identifying and collating specialist scientific advice from within the department into advice to Ministers on topical environmental issues of the day.</p> <p>He has also been involved in a number of industry associations, such as the NZ Institute of Forestry, NZ Forest Certification Association, Packaging New Zealand and the Waste Management Industry Forum.</p>
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Fast-Track Project Advisory Group to review applications for listed projects

12. The Fast-Track Project Advisory Group will consist of up to five members with a range of expertise and experience on matters such as infrastructure, economic development, environment, conservation, Treaty of Waitangi and local government.
13. The Group Members will be appointed by the Cabinet Appointments and Honour Committee (APH).

Representativeness of appointment

14. We are satisfied that adequate consideration has been given to a range of candidates in terms of gender, age, ethnicity, disability, and geographic representation with appropriate skills and experience.
15. Nominations were sought from the agencies with responsibility for aspects of the Bill and engagement on the proposed appointments was undertaken with the Ministry of Housing and Urban Development, Department of Conservation, Department of Prime Minister and Cabinet, Ministry of Transport, Ministry of Primary Industries, Ministry of Māori Crown Relations: Te Arawhiti, Ministry of Culture and Heritage, Infrastructure Commission Te Waihanganga.

Remuneration

16. The Group Members are classified as a Group 4 Level 1 appointment under the Cabinet Committee Fees Framework. The Framework provides an indicative fees range of \$594 - \$1,265 for chairs and \$446 - \$952 for members.
17. We have consulted with the Minister for the Public Service and she has agreed to an exception to the Cabinet Fees Framework for these roles enabling a daily rate of up to \$1600. This is because of the specialist skills, knowledge and experience needed for these roles.

Appointment process and consultation

18. We can confirm that a condensed but appropriate process has been followed in selecting the proposed appointees, in terms of the Public Service Commission appointment guidelines.
19. In summary, that process comprised seeking nominations for candidates from relevant agencies and providing the list of candidates to the Ministry of Housing and Urban

IN CONFIDENCE

Development, Department of Conservation, Department of Prime Minister and Cabinet, Ministry of Transport, Ministry of Primary Industries, Ministry of Māori Crown Relations: Te Arawhiti, Ministry of Culture and Heritage, and Infrastructure Commission Te Waihanga for comments and approval.

20. This process was appropriate because the Fast-Track Project Advisory Group needs to be in place quickly to work in parallel with the Select Committee for the Bill and enable applications to be lodged and assessed in time to be included in the Bill when it is returned to the House. An abridged appointment process was, therefore, necessary.

Conflicts of interest

21. I can confirm that appropriate enquiries concerning conflicts of interest have been carried out, in accordance with the Public Service Commission board appointment guidelines, to identify any conflict of interest that could reasonably be identified, and the following conflicts of interest have been identified:

Name	Conflict of interest declared
David Tapsell	<p>Chair Pukeroa Oruawhata Trust Group (Rotorua). Primary Iwi is Ngati Whakaue, Te Arawa te Waka. Board member for various other Rotorua based Boards</p> <p>Chief Crown Negotiator in historical Treaty Settlements (currently active Ngati Whatua remaining, Mokai Patea and possibly Ngati Rehua Ngati Wai ki Aotea end 2024).</p> <p>Ministry for the Environment engagement lead on RM Reform for a number of PSGE's.</p>
Rosie Mercer	<p>Interests with potential perceived or real conflicts include:</p> <p>Marsden Maritime Holdings Ltd – Chief Executive</p> <p>Marsden Cove Canal Management Ltd – Director</p> <p>Other interests include:</p> <p>Crown Regional Holdings Ltd – Director</p> <p>Marsden Cove Marinas Ltd – Director (a non-trading company)</p> <p>Maunu Estate Ltd – Shareholding (1%)</p> <p>RM QE Family Trust – Trustee</p>
Vaughan Wilkinson	<p>Currently contracted s 9(2)(a) [redacted] as the Executive GM Strategy and Innovation at Sanford Limited s 9(2)(a) [redacted].</p> <p>Minor shareholding in Sanford Limited, s 9(2)(a) [redacted].</p> <p>Director of Whakatohea Mussels Opotiki Limited and small shareholding. Greenshell mussel farming and processing business based in Opotiki.</p> <p>Known to Minister Jones</p>

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David Hunt	<p>David is deputy chair of the Accident Compensation Corporation and a director of Christchurch City Holdings Ltd. These organisations hold investments in some infrastructure businesses/projects that may be potential applicants for fast-track status.</p> <p>David is a director/shareholder in Concept Consulting Group – a business that advises clients in the infrastructure sector. It is possible that some clients may make applications for fast-track status.</p> <p>David is a Kiwisaver scheme member and the beneficiary of a family trust that holds investments in listed companies, some of which may make applications for fast-track status. Both investments are passive in nature (ie, he does not select which stocks are bought or sold).</p>
Murray Parrish	<p>Residential properties and a 'balanced fund' investment managed by a third party provider, Superlife.</p> <p>Advisor to Packaging NZ on an informal and unpaid basis. PacNZ's interactions with Government and Government agencies could give rise to conflicts of interest, manageable by disclosure, abstention on a case-by-case or resignation from the PacNZ Board.</p> <p>Advisor to Manufacturers Alliance on an informal and unpaid basis. A similar risk of conflicts of interest exists and is readily manageable by ongoing disclosure, abstention or discontinued involvement.</p> <p>A financial member of the NZ Institute of Forestry.</p> <p>limited direct involvement with the Wood Processors and Manufacturers Association.</p>

22. The following regime is proposed to deal with the conflicts: the Advisory Group's Terms of Reference require that members declare any real and perceived conflicts of interest and outline how any such conflict of interest will be managed.

Communications

23. A press statement will be issued once the appointments have been approved and the appointees have been notified.

Proactive Release

24. We intend to proactively release this paper, subject to redactions as appropriate under the Official Information Act 1982.

Recommendations

25. The Minister Responsible for RMA Reform and the Minister for Regional Development recommend that the Committee:

note our intention to appoint the following individuals as members of the Fast-Track Project Advisory Group, to review applications to include listed projects in the Fast-Track Approvals Bill (the Bill) Schedule 2 and provide advice to Ministers, for a four-month term:

1. David Tapsell (Chair)

I N C O N F I D E N C E

2. Rosie Mercer
3. Vaughan Wilkinson
4. David Hunt
5. Murray Parrish

note that our intention is to pay a daily rate of up to \$1600

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agree that if a nominated Advisory Group member is unavailable or withdraws, the Minister Responsible for RMA Reform and the Minister for Regional Development can appoint replacement members without reconsulting with the Cabinet Appointments and Honours Committee or Cabinet.

Authorised for lodgement

Hon Chris Bishop
Minister Responsible for RMA Reform

Hon Shane Jones
Minister for Regional Development

Appendix 1

APH Candidate CV Form

In-Confidence

Office of the Minister Responsible for RMA Reform

Office of the Minister of Regional Development

Chair, Cabinet

Fast-Track Approvals Bill – Appointments to Fast-Track Project Advisory Group

Proposal

1. This paper sets out our intention to appoint a sixth member to the Fast-Track Project Advisory Group to review applications to include listed projects in the Fast-Track Approvals Bill (the Bill) Schedule 2 and provide advice to Ministers in a process running parallel with the Select Committee process.
2. On 2 April 2024, Cabinet noted our intention to appoint the following as group members to the Fast-Track Project Advisory Group (Group Members) [CAB-24-MIN-0108 refers]:
 - 2.1 David Tapsell (Chair)
 - 2.2 Rosie Mercer
 - 2.3 Vaughan Wilkinson
 - 2.4 David Hunt
 - 2.5 Murray Parrish
3. Cabinet also invited the Minister Responsible for RMA Reform and the Minister for Resources to submit a further paper to Cabinet on 8 April 2024, with a proposal to appoint an additional member with experience in urban planning. This is that paper.
4. We intend to appoint Mark Davey as the sixth Group Member.

Relation to government priorities

5. On 23 January 2024, Cabinet agreed [CAB-24-MIN-0008 refers] to introduce legislation for a permanent Fast-Track regime by 7 March 2024 (within 100 days of taking office) and agreed to the key elements of the legislation. Introducing the Bill within our first 100 days in office was part of the National/NZ First Coalition Agreement.
6. This new Fast-Track regime will improve decision-making timeframes and give greater investment certainty for projects that have significant regional or national benefits, providing an efficient and clear pathway to approval. The proposed legislation will replace the Natural and Built Environment Act 2023 (NBA) Fast-Track consenting process.

Background

7. The Bill consolidates and speeds up multiple approval processes across different legislation that are typically required for large and/or complex projects. This will enable more certainty and a “one stop shop” pathway to approval.

8. The purpose of the Bill is to provide a Fast-Track decision-making process that facilitates the delivery of infrastructure and development projects with significant regional or national benefits. When it comes to decision-making, the purpose of this Act will take precedence over others.
9. Cabinet also agreed that, in addition to the standard application process, the Bill will contain a schedule of projects (“listed projects”) to be automatically referred to an Expert Panel (EP). Projects can access the Fast-Track process either by applying to be referred to an EP by joint Ministers, or through inclusion in Schedule 2 to the Bill as a listed project.
10. Schedule 2 has two Parts. Projects listed in Part A will be directly referred to an EP upon the Bill receiving Royal Assent. Projects listed in Part B, while having demonstrated they meet the purpose of the Bill, will still need to be referred to an EP by joint Ministers.
11. Delegated Ministers agreed that the introduced version of the Bill would include empty lists as a placeholder for listed projects, and that projects would be added to the Schedule later in the legislative process.
12. Cabinet [CAB-24-MIN-0066] also agreed that:
 - 12.1 listed projects will be proposed for inclusion in the Bill through the Departmental Report to the Environment Committee and/or an Amendment Paper when the Bill is returned to the House
 - 12.2 listed projects will be added by calling for nominations for consideration by a Fast-Track Project Advisory Group, supported by an officials’ secretariat, which would make recommendations to Ministers on which projects to include in the Bill
 - 12.3 the Fast-Track Project Advisory Group members will comprise those who will represent a range of expertise and experience on matters such as infrastructure, economic development, environment, conservation, Treaty of Waitangi and local government.

Group Member details

13. On 2 April 2024, the following individuals were appointed as Fast-Track Project Advisory Group members for a four-month term [CAB-24-MIN-0108 refers]:

Appointee	Expertise and experience
David Tapsell	<p>David is a Board member of Te Puia NZMACI and Finance and Expenditure Chair of Pukeroa Oruawhata Group.</p> <p>He is a commercial lawyer and company director with over 20 years’ experience.</p> <p>The Pukeroa Group now manages property assets worth over \$210 million and is broadening its portfolio into the flourishing tourism market.</p>
Rosie Mercer	<p>Rosie is an experienced executive leader with strong experience in infrastructure, port and supply chain environments.</p> <p>She is a Civil engineer with extensive experience in delivery of infrastructure projects and understanding of whole of life</p>

	<p>requirements for major infrastructure assets. Also has Governance experience with specific strengths in regional economic development, supply chain and port related businesses.</p> <p>Rosie has strong commercial acumen with experience in developing and delivering innovative and commercial ideas, and experience partnering with mana whenua, iwi and hapu.</p>
Vaughan Wilkinson	<p>With four decades of experience in the marine and seafood sector, Vaughan has incomparable knowledge and understanding of the industry, as well its customers, and has developed strong Governmental relationships, consumer insights, and industry connections.</p> <p>Always having had an interest in the ocean and its inhabitants, Vaughan turned a life-long passion into a life-long career.</p> <p>After completing a Master of Science (First Class Honours) in Marine Biology, Vaughan covered a variety of roles from Oceanographer to Fisheries Manager for the Ministry of Fisheries.</p> <p>He then moved to the business side of the industry, holding a series of senior management positions at various fishing establishments, including Sanford Limited and Simunovich Fisheries Limited.</p> <p>This storied career has given Vaughan extensive experience in transport and logistic supply chains in both the export and import of primary products, as well as diverse governance and public policy experience having Chaired major domestic and international seafood industry stakeholder bodies.</p>
David Hunt	<p>David has over 20 years' experience in the electricity and broader infrastructure sectors, spanning executive, advisory and governance roles.</p> <p>He was formerly Chief Executive of Contact Energy and since 2006 has been a consulting director at Concept Consulting Group, a firm specialising in energy, utility and decarbonisation issues.</p> <p>At Concept, David has led or been closely involved in consulting assignments for businesses and government bodies in New Zealand, Australia and Singapore.</p> <p>He also has over a decade of governance experience. He was formerly an independent director of Synergy (an Australian energy company) and is currently on the boards of Accident Compensation Corporation and Christchurch City Holdings.</p> <p>David is a member of the New Zealand Institute of Directors and holds degrees in economics and statistics from Massey University.</p>
Murray Parrish	<p>Murray was a Regulatory Manager at Oji Fibre Solutions from 2010 until retirement in 2022. In this role, he provided an interface with regulators and customers on matters of topical environmental interest and liability.</p> <p>Prior to this, Murray has worked for Carter Holt Harvey Forests (1990 – 2000) as an Environment Manager, and Carter Holt Harvey Corporate (2000-2010) as a Corporate Environment Manager. In</p>

	<p>this role, he provided oversight and management of the company's industrial operations in New Zealand and Australia. Operations encompassed most forms of wood processing, including sawmilling, panels and plywood manufacture, pulp, paper, paper packaging and recycling businesses.</p> <p>Murray began his career at the Department of Scientific and Industrial Research (1985 – 1990), as an Advisory Officer within the Environmental Coordinators Office, identifying and collating specialist scientific advice from within the department into advice to Ministers on topical environmental issues of the day.</p> <p>He has also been involved in a number of industry associations, such as the NZ Institute of Forestry, NZ Forest Certification Association, Packaging New Zealand and the Waste Management Industry Forum.</p>
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14. We intend to appoint the following individual as the sixth Fast-Track Project Advisory Group member for a four-month term:

Mark Davey	<p>Mark is an experienced urban planner and people leader. He is passionate about fostering high-performing teams, developing innovative and evidence-based solutions to complex issues, working collaboratively towards common goals and delivering positive change. He is comfortable with ambiguity and motivated by challenge.</p> <p>He offers a breadth and depth of expertise across the planning spectrum in local government, consulting and academia. His experience has covered integrated land use planning, funding and investment, economic analyses, and policy development and plan implementation.</p>
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Fast-Track Project Advisory Group to review applications for listed projects

15. The Fast-Track Project Advisory Group will consist of up to six members with a range of expertise and experience on matters such as infrastructure, economic development, environment, conservation, Treaty of Waitangi and local government.

Representativeness of appointment

16. We are satisfied that adequate consideration has been given to a range of candidates in terms of gender, age, ethnicity, disability, and geographic representation with appropriate skills and experience.
17. Nominations were sought from the agencies with responsibility for aspects of the Bill and engagement on the proposed appointments was undertaken with the Ministry of Housing and Urban Development, Department of Conservation, Department of Prime Minister and Cabinet, Ministry of Transport, Ministry of Primary Industries, Ministry of Māori Crown Relations: Te Arawhiti, Ministry of Culture and Heritage, Infrastructure Commission Te Waihangā.

Remuneration

18. The Group Members are classified as a Group 4 Level 1 appointment under the Cabinet Committee Fees Framework. The Framework provides an indicative fees range of \$594 - \$1,265 for chairs and \$446 - \$952 for members.
19. On 2 April 2024, Cabinet noted that the Ministers intend to pay a daily fee of up to \$1,600 to the Chair, with members to receive a relevant applicable rate, which is an exception to the Cabinet Fees Framework and was agreed to by the Minister for the Public Service due to exceptional circumstance [CAB-24-MIN-0108 refers].

Appointment process and consultation

20. We can confirm that a condensed but appropriate process has been followed in selecting the proposed appointees, in terms of the Public Service Commission appointment guidelines.
21. In summary, that process comprised seeking nominations for candidates from relevant agencies and providing the list of candidates to the Ministry of Housing and Urban Development, Department of Conservation, Department of Prime Minister and Cabinet, Ministry of Transport, Ministry of Primary Industries, Ministry of Māori Crown Relations: Te Arawhiti, Ministry of Culture and Heritage, and Infrastructure Commission Te Waihanga for comments and approval.
22. This process was appropriate because the Fast-Track Project Advisory Group needs to be in place quickly to work in parallel with the Select Committee for the Bill and enable applications to be lodged and assessed in time to be included in the Bill when it is returned to the House. An abridged appointment process was, therefore, necessary.

Conflicts of interest

23. We can confirm that appropriate enquiries concerning conflicts of interest have been carried out, in accordance with the Public Service Commission board appointment guidelines, to identify any conflict of interest that could reasonably be identified, and the following conflicts of interest have been identified:

Name	Conflict of interest declared
David Tapsell	<p>Chair Pukeroa Oruawhata Trust Group (Rotorua). Primary Iwi is Ngati Whakaue, Te Arawa te Waka. Board member for various other Rotorua based Boards</p> <p>Chief Crown Negotiator in historical Treaty Settlements (currently active Ngati Whatua remaining, Mokai Patea and possibly Ngati Rehua Ngati Wai ki Aotea end 2024).</p> <p>Ministry for the Environment engagement lead on RM Reform for a number of PSGE's.</p>
Rosie Mercer	<p>Interests with potential perceived or real conflicts include:</p> <p>Marsden Maritime Holdings Ltd – Chief Executive</p> <p>Marsden Cove Canal Management Ltd – Director</p> <p>Other interests include:</p>

	<p>Crown Regional Holdings Ltd – Director</p> <p>Marsden Cove Marinas Ltd – Director (a non-trading company)</p> <p>Maunu Estate Ltd – Shareholding (1%)</p> <p>RM QE Family Trust – Trustee</p>
Vaughan Wilkinson	<p>Currently contracted s 9(2)(a) [REDACTED] as the Executive GM Strategy and Innovation at Sanford Limited s 9(2)(a) [REDACTED]</p> <p>[REDACTED]</p> <p>Minor shareholding in Sanford Limited, s 9(2)(a) [REDACTED]</p> <p>Director of Whakatohea Mussels Opotiki Limited and small shareholding. Greenshell mussel farming and processing business based in Opotiki.</p> <p>Known to Minister Jones</p>
David Hunt	<p>David is deputy chair of the Accident Compensation Corporation and a director of Christchurch City Holdings Ltd. These organisations hold investments in some infrastructure businesses/projects that may be potential applicants for fast-track status.</p> <p>David is a director/shareholder in Concept Consulting Group – a business that advises clients in the infrastructure sector. It is possible that some clients may make applications for fast-track status.</p> <p>David is a Kiwisaver scheme member and the beneficiary of a family trust that holds investments in listed companies, some of which may make applications for fast-track status. Both investments are passive in nature (ie, he does not select which stocks are bought or sold).</p>
Murray Parrish	<p>Residential properties and a 'balanced fund' investment managed by a third party provider, Superlife.</p> <p>Advisor to Packaging NZ on an informal and unpaid basis. PacNZ's interactions with Government and Government agencies could give rise to conflicts of interest, manageable by disclosure, abstention on a case-by-case or resignation from the PacNZ Board.</p> <p>Advisor to Manufacturers Alliance on an informal and unpaid basis. A similar risk of conflicts of interest exists and is readily manageable by ongoing disclosure, abstention or discontinued involvement.</p> <p>A financial member of the NZ Institute of Forestry.</p> <p>limited direct involvement with the Wood Processors and Manufacturers Association.</p>
Mark Davey	<p>Conflict of interest may exist if Mark's employer, Hamilton City Council seeks projects to be fast tracked.</p> <p>Situations may be perceived as a conflict of interest if projects in and around Hamilton seek fast-tracking</p>

24. The following regime is proposed to deal with the conflicts: the Advisory Group's Terms of Reference require that members declare any real and perceived conflicts of interest and outline how any such conflict of interest will be managed.

Communications

25. A press statement will be issued once the appointments have been approved and the appointees have been notified.

Proactive Release

26. We intend to proactively release this paper, subject to redactions as appropriate under the Official Information Act 1982.

Recommendations

The Minister Responsible for RMA Reform and the Minister for Regional Development recommend that the Committee:

1. **note** that on 2 April 2024, Cabinet noted we intended to appoint the following as group members to the Fast-Track Project Advisory Group (Group Members) for the assessment of projects for inclusion in the Bill, in a process running parallel with the Select Committee process [CAB-24-MIN-0108 refers]:
 - 1.1. David Tapsell (Chair)
 - 1.2. Rosie Mercer
 - 1.3. Vaughan Wilkinson
 - 1.4. David Hunt
 - 1.5. Murray Parrish
2. **note** that Cabinet also invited the Minister Responsible for RMA Reform and the Minister for Resources to submit a further paper to Cabinet on 8 April 2024, with a proposal to appoint an additional member with experience in urban planning;
3. **note** that we intend to appoint Mark Davey as the sixth member of the Fast-Track Project Advisory Group;
4. **note** that Cabinet agreed that if a nominated Advisory Group member is unavailable or withdraws, the Ministers may appoint replacement members without further reference to Cabinet.

Authorised for lodgement

Hon Chris Bishop

Minister Responsible for RMA Reform

Hon Shane Jones
Minister for Regional Development

Appendix 1

APH Candidate CV Form