

## Ashleigh Watson

---

**From:** Kevin Guerin <Kevin.Guerin@mfe.govt.nz>  
**Sent:** Wednesday, 14 August 2024 7:51 am  
**To:** Kate Mitchell; Thomas O'Flaherty  
**Cc:** Veronika Munro; Martyn Pinckard  
**Subject:** RE: [classification] Fwd: Gerard Willis independent adviser report  
**Attachments:** Fast-track Approvals Bill - PCE Advisers report 12 Aug 2024.pdf

PCE goes further:

1. Purpose and scope of Bill –
  1. private benefit, if Bill is within scope of purpose, should provisions that exceed objective stay, – clerk of the house
  2. narrow scope to public infrastructure – not policy intent
  3. time limit Bill or review it – not policy intent
  4. avoid automatic approval, ability to decline, net benefits - covered by our purpose flowing through to decisions recs
2. conditions – only consider under relevant legislation – not policy intent
3. eligibility - not allow prohibited activities, reapplication or previously declined applications, conservation covenants – not policy intent
4. information requirements - ?
5. Ministerial timeframes - ?
6. oversight, conflict of interest etc – panel now decision maker
7. panel remuneration – does Bill already achieve this intent?
8. Comment from organisations representing wider public interest – not policy intent
9. Affected persons – maybe?

---

**From:** Kate Mitchell <Kate.Mitchell@mfe.govt.nz>  
**Sent:** Wednesday, August 14, 2024 6:09 AM  
**To:** Thomas O'Flaherty <Thomas.OFlaherty@mfe.govt.nz>  
**Cc:** Kevin Guerin <Kevin.Guerin@mfe.govt.nz>; Veronika Munro [Veronika.Munro@mfe.govt.nz](mailto:Veronika.Munro@mfe.govt.nz); Martyn Pinckard [Martyn.Pinckard1@mfe.govt.nz](mailto:Martyn.Pinckard1@mfe.govt.nz)  
**Subject:** RE: [classification] Fwd: Gerard Willis independent adviser report

Thanks Thomas, I will have a read this morning and come back to you on the questions. Is it correct that the PCE has also prepared a report, and if so, do you know if we will see that today?

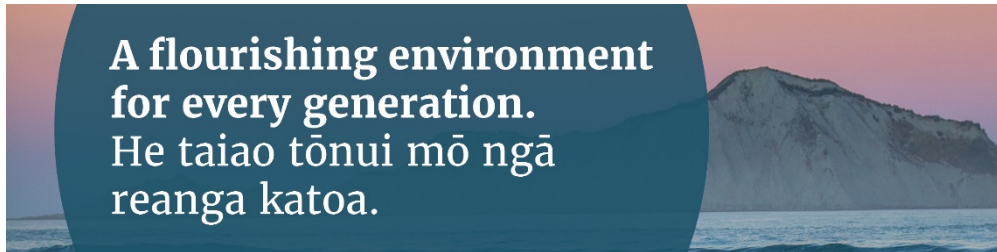
Thank you

**Ngā mihi**  
**Katarina Mitchell**

*Kaitiaki Ture Mātāmua | Principal Legal Advisor  
Legal (Ōtautahi)*

Ministry for the Environment | Manatū Mō Te Taiao  
9(2)(a) | [kate.mitchell@mfe.govt.nz](mailto:kate.mitchell@mfe.govt.nz) | [mfe.govt.nz](http://mfe.govt.nz)

Ministry staff work flexibly by default. For me, this means I work remotely from Ōtautahi.



---

**From:** Thomas O'Flaherty <[Thomas.OFlaherty@mfe.govt.nz](mailto:Thomas.OFlaherty@mfe.govt.nz)>  
**Sent:** Tuesday, August 13, 2024 10:02 AM  
**To:** Kate Mitchell <[Kate.Mitchell@mfe.govt.nz](mailto:Kate.Mitchell@mfe.govt.nz)>  
**Cc:** Kevin Guerin <[Kevin.Guerin@mfe.govt.nz](mailto:Kevin.Guerin@mfe.govt.nz)>; Veronika Munro <[Veronika.Munro@mfe.govt.nz](mailto:Veronika.Munro@mfe.govt.nz)>; Martyn Pinckard <[Martyn.Pinckard1@mfe.govt.nz](mailto:Martyn.Pinckard1@mfe.govt.nz)>  
**Subject:** Re: classification Fwd: Gerard Willis independent adviser report

Hi Kate,

We have received Gerard Willis' independent adviser report to Select Committee.

We had a couple of questions for legal that we it would be great if you would be able to consider before Thursday in case we are asked to comment on them.

Kevin has summarised the report (which has a one page executive summary) as below and has asked for advice on points 3), 4), and 6).

Cheers,  
Tom

---

**From:** Kevin Guerin <[Kevin.Guerin@mfe.govt.nz](mailto:Kevin.Guerin@mfe.govt.nz)>  
**Sent:** Tuesday, 13 August 2024 9:55 am  
**To:** Thomas O'Flaherty <[Thomas.OFlaherty@mfe.govt.nz](mailto:Thomas.OFlaherty@mfe.govt.nz)>; Veronika Munro <[Veronika.Munro@mfe.govt.nz](mailto:Veronika.Munro@mfe.govt.nz)>; Martyn Pinckard <[Martyn.Pinckard1@mfe.govt.nz](mailto:Martyn.Pinckard1@mfe.govt.nz)>  
**Subject:** RE: classification Fwd: Gerard Willis independent adviser report

Critical things are:

1. He wants to add assessing environmental effects to the purpose or make conditions only on the basis of underlying legislation rather than FTAB purpose. This is a no based on policy intent.

2. Add an ineligibility criteria based on significant adverse effects on the environment – again a no based on policy intent.
3. Clarify re scope of the record of consultation – maybe?
4. Clarify re fees – is this needed?
5. Not give the purpose greater weight in 32(4) - again a no based on policy intent.
6. Amend 35(1 and 5) of schedule 4 re listed projects and not automatically declining under 104D and 107 of RMA – maybe?

Could we ask legal about c, d and f?

Kevin

---

**From:** Thomas O'Flaherty <[Thomas.OFlaherty@mfe.govt.nz](mailto:Thomas.OFlaherty@mfe.govt.nz)>  
**Sent:** Tuesday, August 13, 2024 9:49 AM  
**To:** Veronika Munro <[Veronika.Munro@mfe.govt.nz](mailto:Veronika.Munro@mfe.govt.nz)>; Kevin Guerin <[Kevin.Guerin@mfe.govt.nz](mailto:Kevin.Guerin@mfe.govt.nz)>; Martyn Pinckard <[Martyn.Pinckard1@mfe.govt.nz](mailto:Martyn.Pinckard1@mfe.govt.nz)>  
**Subject:** Re: classification Fwd: Gerard Willis independent adviser report

It has a one page executive summary. I think most attendees could probably make time for that.

But I agree, there is an unfortunate confluence of two deliverables before Select Committee.

---

**From:** Veronika Munro <[Veronika.Munro@mfe.govt.nz](mailto:Veronika.Munro@mfe.govt.nz)>  
**Sent:** Tuesday, 13 August 2024 9:46 am  
**To:** Kevin Guerin <[Kevin.Guerin@mfe.govt.nz](mailto:Kevin.Guerin@mfe.govt.nz)>; Martyn Pinckard <[Martyn.Pinckard1@mfe.govt.nz](mailto:Martyn.Pinckard1@mfe.govt.nz)>; Thomas O'Flaherty <[Thomas.OFlaherty@mfe.govt.nz](mailto:Thomas.OFlaherty@mfe.govt.nz)>  
**Subject:** RE: classification Fwd: Gerard Willis independent adviser report

Not really – maybe you three have a quick read through and see if there is anything critical the rest of the team need to know about before Thursday so we are not blind-sided.

V

**Veronika Munro**

*NPF Programme Manager | Kaiwhakahaere Kaupapa Matua  
Resource Management Reform/ Programme Management Office*

Ministry for the Environment | Manatū Mō Te Taiao

9(2)(a) | [veronika.munro@mfe.govt.nz](mailto:veronika.munro@mfe.govt.nz) | [mfe.govt.nz](https://mfe.govt.nz)

*Ministry staff work flexibly by default. For me this means you may receive emails from me outside normal working hours – and I may be away from my desk at times during the day. This works for me. Please respond at a time that is convenient to you.*



---

**From:** Kevin Guerin <[Kevin.Guerin@mfe.govt.nz](mailto:Kevin.Guerin@mfe.govt.nz)>

**Sent:** Tuesday, August 13, 2024 8:57 AM

**To:** Veronika Munro <[Veronika.Munro@mfe.govt.nz](mailto:Veronika.Munro@mfe.govt.nz)>; Martyn Pinckard <[Martyn.Pinckard1@mfe.govt.nz](mailto:Martyn.Pinckard1@mfe.govt.nz)>; Thomas O'Flaherty <[Thomas.OFlaherty@mfe.govt.nz](mailto:Thomas.OFlaherty@mfe.govt.nz)>

**Subject:** RE: classification Fwd: Gerard Willis independent adviser report

Do we have any resourcing to actually review these recs?

---

**From:** Kevin Guerin

**Sent:** Tuesday, August 13, 2024 8:37 AM

**To:** Veronika Munro <[Veronika.Munro@mfe.govt.nz](mailto:Veronika.Munro@mfe.govt.nz)>; Martyn Pinckard <[Martyn.Pinckard1@mfe.govt.nz](mailto:Martyn.Pinckard1@mfe.govt.nz)>; Thomas O'Flaherty <[Thomas.OFlaherty@mfe.govt.nz](mailto:Thomas.OFlaherty@mfe.govt.nz)>

**Subject:** RE: classification Fwd: Gerard Willis independent adviser report

Yes that can be circulated. Hopefully we get the PCE advice too.

A short meeting to hopefully cover both sounds sensible.

Kevin

---

**From:** Veronika Munro <[Veronika.Munro@mfe.govt.nz](mailto:Veronika.Munro@mfe.govt.nz)>  
**Sent:** Monday, August 12, 2024 5:43 PM  
**To:** Martyn Pinckard <[Martyn.Pinckard1@mfe.govt.nz](mailto:Martyn.Pinckard1@mfe.govt.nz)>; Kevin Guerin <[Kevin.Guerin@mfe.govt.nz](mailto:Kevin.Guerin@mfe.govt.nz)>; Thomas O'Flaherty <[Thomas.OFlaherty@mfe.govt.nz](mailto:Thomas.OFlaherty@mfe.govt.nz)>  
**Subject:** classification Fwd: Gerard Willis independent adviser report

Evening

The Independent Advisors report has arrived. Martyn, Please confirm that I can circulate it to everyone attending SC. May be useful to have a quick meeting on Wed to discuss anything arising from the report that may come up at SC.

V

Get [Outlook for Android](#)

---

**From:** Isobel Tannock <[Isobel.Tannock@parliament.govt.nz](mailto:Isobel.Tannock@parliament.govt.nz)>  
**Sent:** Monday, August 12, 2024 4:00:05 PM  
**To:** Jo Gascoigne <[Jo.Gascoigne@mfe.govt.nz](mailto:Jo.Gascoigne@mfe.govt.nz)>; RMReform <[RM.Reform@mfe.govt.nz](mailto:RM.Reform@mfe.govt.nz)>; Veronika Munro <[Veronika.Munro@mfe.govt.nz](mailto:Veronika.Munro@mfe.govt.nz)>; Matt Paterson <[matthew.paterson@pce.parliament.nz](mailto:matthew.paterson@pce.parliament.nz)>; Rebecca Thornley <[Rebecca.Thornley@pce.parliament.nz](mailto:Rebecca.Thornley@pce.parliament.nz)>  
**Cc:** Stephen Rivers-McCombs [EXTERNAL] (PCO) <[Stephen.Rivers-McCombs@pco.govt.nz](mailto:Stephen.Rivers-McCombs@pco.govt.nz)>  
**Subject:** Gerard Willis independent adviser report

Kia ora all

See attached Gerard's independent report for your consideration.

Thanks

Izzy

**Isobel Tannock**

**Clerk of Committee**

**Environment Committee**

Office of the Clerk of the House of Representatives  
Te Tari o Te Manahautū o Te Whare Māngai

Parliament Buildings | Private Bag 18041 | Wellington 6160

T: 9(2)(a) [REDACTED] W: [www.parliament.nz](http://www.parliament.nz)

---

Please consider the environment before printing this email.

The content of this email, including any attachment, is intended for the named recipient only and is not necessarily the official view or communication of the Office of the Clerk. It may contain privileged material and/or confidential information.

If you are not the intended recipient of this email, you must not copy it, distribute it or take any action in reliance on it. If you have received this email in error, please notify the sender immediately and delete this email. Although this email has been scanned for viruses, this email is not guaranteed to be free of viruses and should be checked by your own security mechanisms. No liability is accepted for any loss or damage arising from the use of this email or its attachments.