



OIAD-1079

3 July 2024

9(2)(a)

Dear 9(2)(a)

Thank you for your email of 6 May 2024 requesting the following under the Official Information Act 1982 (the Act):

- *Could you provide me with the full list of applicants that you have received which after your assessment will be referred to the Fast track Projects Advisory Group. Please note that I realise there may be some projects that will be deemed ineligible by your preliminary vetting but I am asking for the complete “raw” list.*
- *Could you also confirm that the criteria to be used by you in your preliminary assessment and by the Group during its vetting process are the same criteria set out in the Bill.*
- *Could you also please forward to me a copy of the Terms of reference for the Group.*

The Ministry for the Environment (the Ministry) understands you also made a similar request to the Minister Responsible for RMA Reform, Hon Chris Bishop. On 13 June 2024, the Office of Hon Bishop advised you that the Ministry would be responding on its behalf.

The Government has committed to introducing a permanent approvals regime to deliver a range of regionally and nationally significant housing, infrastructure, renewable energy and development projects.

The Fast-track Approvals Bill is part of the Government’s wider resource management reform programme.

Public submissions on the Fast-track Approvals Bill closed on 19 April 2024. The Select Committee will report back to the House with a revision tracked version of the Bill later in the year. Progress on the Bill can be followed on the Environment Select Committee page at: bills.parliament.nz/v/Bill/083f0a7b-f182-41d5-0897-08dc3e31559c

The criteria for the Advisory Group process to consider whether a project is eligible for the proposed fast track process is set out in its Terms of Reference, which are publicly available and were previously provided to you by letter dated 24 May 2024. Note that criteria for Ministers’ decision making on projects have not yet been finalised by Ministers, to date.

At this stage, and except to the extent set out above, I am withholding the 'list of applicants' in full under section 9(2)(f)(iv) of the Act. I make this decision to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.

Decisions on applications for inclusion in the Fast-track Approvals Bill are yet to be made by Ministers. Releasing the list of applicants at this time would impact the orderly and effective conduct of executive government decision-making processes. I consider that the release of the list of applicants will result in extensive lobbying, even campaigning, both for and against applications ahead of Cabinet consideration. Attempts would likely be made to influence Cabinet Ministers outside of the prescribed process and without the benefit of the full information and advice that Ministers will receive.

There has been significant public interest in Fast-track project applications and the Fast-track Approvals Bill more generally. However, in terms of section 9(1) of the Act, I am satisfied that, in the circumstances, the withholding of this information is not outweighed by other considerations that render it desirable to make the information available in the public interest. Official information regimes globally and the Chief Ombudsman's guidance, recognise that the Government and Ministers need to be able to take advice and to deliberate on it, in private, and without fear of premature disclosure. For the reasons already articulated, I consider that it is likely that releasing the list of applicants at this time would impact the orderly and effective conduct of executive government decision making processes.

I invite you to review the material we have proactively released on the Fast-track Approvals Bill on the Ministry's website at: environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/fast-track-approvals-bill/.

You have the right to seek an investigation and review by the Office of the Ombudsman of my decision to withhold information relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found on their website at: www.ombudsman.parliament.nz.

Please note that due to the public interest in our work the Ministry for the Environment publishes responses to requests for official information on our [OIA responses page](#) shortly after the response has been sent. If you have any queries about this, please feel free to contact our Ministerial Services team: ministerials@mfe.govt.nz.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Ilana Miller', with a large loop at the start and a long horizontal stroke extending to the right.

Ilana Miller
Programme Director – Fast Track Approvals
Ministry for the Environment | Manatū Mō Te Taiao