



Briefing: Fast-Track Approvals (Listed Projects) – Options for Ministers

Date:	22 July 2024	Priority:	Urgent
Security classification:	In Confidence	Tracking number:	MfE: BRF-4939 MBIE: 2324-3994
Action sought			
	Action sought	Deadline	
Hon Chris Bishop Minister for Infrastructure Minister Responsible for RMA Reform	Agree to the recommendations in this briefing	25 July 2024	
Hon Shane Jones Minister for Regional Development			
Hon Simeon Brown Minister of Transport			
Forward to: Hon Nicola Willis Minister of Finance	Note the contents of this briefing.		
Annexures			
1. Delivering Government Priorities Through the Fast-track Approvals Pathway			

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Ministry of Business, Innovation and Employment			
Abby Cheeseman	Policy Director, Building, Resources & Markets Group	s 9(2)(a)	✓
James Hartley	Acting Deputy Secretary Building Resources and Markets Group	s 9(2)(a)	
Ministry for the Environment			
Ilana Miller	Programme Director, Fast-track - Listed Projects	s 9(2)(a)	✓
Max Gander-Cooper	Senior Analyst, Fast-track - Listed Projects	s 9(2)(a)	

Minister's office to complete:

Approved

Declined

Noted

Needs change

Seen

Overtaken by Events

See Minister's Notes

Withdrawn

Minister's comments

Briefing: Fast-Track Approvals (Listed Projects) – Options for Ministers

Date:	24 July 2024	Priority:	Urgent
Security classification:	In Confidence	Tracking number:	MfE: BRF-4939 MBIE: 2324-3994

Purpose

1. This paper provides an update on the progress of the Fast-track Projects Advisory Group’s (Advisory Group) work to date and seeks your decisions on the following matters:
 - a) whether you would like any advice from officials to support your consideration of the Advisory Group’s recommendation report.
 - b) the nature and extent of agency and ministerial consultation on the Cabinet Paper you intend to take on the content of Schedule 2.
2. This briefing also brings to your attention some concerns raised by the Treasury around implications for the Crown and the efficient operation of the fast-track system of listing Crown projects.
3. This briefing does not include information on specific applications or the release of information. Advice on proactive release was covered in a previous briefing (BRF-5046) from the Ministry for the Environment (MfE) only.

Executive Summary

4. The Advisory Group was established to provide independent advice to Ministers on projects to be included in Schedule 2 of the Fast-track Approvals Bill (the Bill). The Advisory Group’s process has been underway since their appointment in April 2024. They have now completed their assessments of projects against the Bill as introduced and are reviewing and prioritising applications for listing, which will form the basis of their recommendation report, due on 2 August.
5. The Advisory Group’s Terms of Reference (ToR) direct that they deliver their recommendation report to the Minister Responsible for RMA Reform, Minister for Regional Development and Minister of Transport (the delegated Ministers). BRF-4701/2324-3247 directed that between the report-back date and the finalisation of Schedule 2, officials would provide advice on the recommendation report to the delegated Ministers but did not specify the advice sought. It also does not provide any information on the process the delegated Ministers would use to decide which projects are added to Schedule 2, nor the timeframe for this.
6. Final decisions by delegated Ministers on the projects to be included in Schedule 2 will need to be made in time for an Amendment Paper to be drafted, and introduced when the Bill is tabled at the Committee of the Whole House stage. At the same time, there will need

to be consideration of the proposed changes to the Bill, particularly those that relate to Schedule 2 projects.

7. This paper seeks your direction on what advice you expect from officials on the Advisory Group's recommendation report.
8. This paper also seeks your agreement to the high-level process and timeline for the delegated Ministers to make final policy decisions on the projects to be listed in Schedule 2, including whether input from any other Ministers will be required, ahead of Cabinet decisions. This includes alignment with any relevant decisions made by Cabinet or Select Committee which amend the Bill, and clarification of the timeframe for the introduction of an Amendment Paper to the House to include the final Schedule in the Bill.
9. This paper was prepared with input from the Treasury, who provided comment on deliverability and sequencing for Crown projects and includes suggestions on how you could assess projects based on certainty of funding, advanced development and near-term start dates.

Recommended action

We recommend that you:

- a) **indicate** how you wish to receive the Advisory Group's recommendation report, either:
 - i. standalone as soon it is complete on 2 August 2024 within no analysis from officials; or
 - ii. as soon it is complete on 2 August 2024, followed by an officials' report on 22 August 2024
 - iii. accompanied by an officials' report on the Advisory Group's recommendations on 22 August 2024

Circle preferred option, either: i), ii), or iii)

- b) **agree** whether the officials' report (if agreed at (a)) should include:
 - i. analysis of any updated Bill criteria against projects recommended for listing
 - ii. analysis of any factual changes against projects recommended for listing (to the extent that agencies are aware) collated key agency feedback on projects recommended for listing
 - iii. commentary on prioritisation
 - iv. commentary on deliverability of Crown projects (including input from Treasury) and other implications for the Crown
 - v. Treaty of Waitangi analysis of projects recommended for inclusion on the list, to satisfy the Crown's obligations.

Yes | No

- c) **agree**, if you would like an officials' report, that officials will undertake two weeks consultation (commencing 2 August) on the Advisory Group's recommendations for inclusion on Schedule 2 with:
 - i. Ministry for Business, Innovation and Employment
 - ii. Ministry for the Environment

- iii. Ministry for Primary Industries
- iv. Ministry of Transport
- v. Department of Conservation
- vi. Ministry of Housing and Urban Development
- vii. Treasury
- viii. Department of Internal Affairs
- ix. Land Information New Zealand
- x. Ministry of Culture and Heritage
- xi. NZ Infrastructure Commission – Te Waihanga
- xii. Ministry for Māori Crown Relations – Te Arawhiti
- xiii. Department of the Prime Minister and Cabinet

Yes | No

- d) **agree** the officials' Treaty settlement and customary rights analysis may require specific consultation with Post Settlement Governance Entities and/or customary rights holders.

Yes | No

- e) **agree** the Cabinet paper seeking approval of the final list of projects to be included in Schedule 2 of the Bill is accompanied by the Advisory Group's recommendation report, the officials' report (if agreed through this briefing) and a final version of the list of projects as proposed by delegated Ministers.

Yes | No

- f) **advise** officials on which option for Ministerial consultation you prefer when deciding on the final list of projects to include in Schedule 2 Part A:

- i. (Preferred option) delegated Ministers make final decisions on the list with input from the Investment and Infrastructure Group (Minister for Infrastructure and RM Reform, Minister of Finance, Minister of Transport and Local Government, Minister for State Owned Enterprises, Minister of Regional Development and Parliamentary Undersecretary for the Environment) and the Minister for Māori Crown Relations: Te Arawhiti, and the Cabinet paper seeking approval of the final list is circulated to all Ministers for comment.
- ii. delegated Ministers make final decisions without input from their Ministerial colleagues, and the Cabinet paper seeking approval of the final list is circulated to all Ministers for comment ahead of lodgement with the Cabinet Office, with any feedback incorporated as appropriate.
- iii. delegated Ministers make final decisions without input from their Ministerial colleagues and the Cabinet paper seeking approval of the final list is circulated only to the Ministers in the Investment and Infrastructure Group and the Minister for Māori Crown Relations: Te Arawhiti.

Circle preferred option, either: a), b), or c)

- g) **agree** that officials will provide you with a draft Cabinet paper with their report on 22 August 2024.

h) **Note** the implications for the Crown and the efficient operation of the fast-track system.

Noted



Nadeine Dommissse
Deputy Secretary, Environmental
Management and Adaptation
Ministry for the Environment
22 July 2024

James Hartley
Acting Deputy Secretary
Building Resources and Markets Group
**Ministry of Business, Innovation and
Employment**
[Date]

Hon Chris Bishop
Minister Responsible for RMA Reform
Date

Hon Shane Jones
Minister for Regional Development
Date

Hon Simeon Brown
Minister of Transport
Date

Background

1. In March 2024, Cabinet agreed to:
 - Endorse the proposed assessment process for applications to include projects in Schedule 2 of the Bill (via Cabinet Economic Policy Committee). This included agreement on the role of officials and the Advisory Group in the assessment process. (Ref CAB-24-MIN-0109.01)
 - The appointment of the Advisory Group (via Cabinet Appointments and Honours Committee). This appointment was subject to ToR for the Advisory Group, (CAB-24-MIN-0108 & CAB-24-MIN-0114 refers).
2. Subsequently the Advisory Group was publicly announced on 8 April 2024, and began having regular meetings from 17 April 2024 (supported by a Secretariat provided by the Ministry of Business, Innovation and Employment (MBIE)).
3. Applications were able to be lodged from 3 April to 3 May 2024 through the MfE website. The number of applications was significantly more than expected with a total of 391 applications received (eight of which have now been withdrawn); 290 of these were for inclusion on Schedule 2 Part A. All applications have been subject to checks by officials to determine:
 - a) if they trigger the ineligibility criteria in the Bill as introduced
 - b) if they have sufficient information to enable the Advisory Group to assess them
 - c) the impacts of projects on Māori development and Post Settlement Governance Entity (PSGE) priorities.

The Bill enables projects to be considered for approval that meet certain eligibility criteria

4. The purpose of the Bill is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.
5. The Advisory Group have been tasked with independently determining if projects meet the purpose of the Bill (as introduced), are eligible to use the fast-track process under Clause 17 of the Bill and with preparing a recommendation report with lists of projects to be included in Schedule 2 Part A (2A) and Part B (2B).
6. The Advisory Group is on track to complete their recommendations on projects despite the large volume of applications and has met regularly over the last three months to assess projects. They have completed their initial project assessments and are reviewing and prioritising applications, which will form the basis of their final report.

Analysis

Officials' advice on report back

7. The Advisory Group's ToR directs that the Group deliver their final report to the delegated Ministers by 2 August 2024. MfE BRF-4701/ MBIE 2324-3247 directed that between the report-back date and the finalisation of the Schedule, officials would also provide advice on the recommendation report to the delegated Ministers but did not specify the advice sought.
8. The ToR also directs that the Advisory Group consider projects against the Bill as *introduced*. Changes will likely be made to the Bill through the Select Committee process. This means there may be changes to the Bill which are relevant to the projects recommended by the Advisory Group (eg, if the ineligibility criteria in the Bill change).
9. We propose to provide the Advisory Group's recommendation report as soon as it is available on 2 August 2024 (noting that we do not consider you should make decisions on the projects until you receive the officials' report). Alternatively, you could receive the Advisory Group's recommendations alongside our officials' report to you on 22 August 2024.
10. There are options for what any officials report could cover. We seek your direction on whether you desire any advice in addition to the Group's report and if so, what that advice might cover. If you wish to receive an officials' report, we would need to provide it to you on 22 August 2024 in order to enable us to undertake the necessary analysis and meet the indicated timeframes for delivery of a subsequent Cabinet paper. This provides limited time (two weeks) for its preparation. The report could include:
 - a) **Analysis of any updated Bill criteria against projects recommended for listing** – (see further legal risk section on this matter). Under the current process, the Advisory Group is assessing projects against the Bill as introduced. If the policy reflected in the Bill is to change significantly, then it is important to note the effect of any proposed changes on the Advisory Group's recommendations for projects. This is particularly relevant for projects to be listed in Schedule 2A, so that the effect of listing the projects in the Bill is clearly described. In addition to the policy decisions on the Schedule 2 projects, there may also need to be additional policy decisions on how the projects are to be considered by the EPA and an Expert Panel. We note this advice will be by exception, where changes to the Bill impact the eligibility of a project.
 - b) **Analysis of any factual changes against projects recommended for listing (to the extent that agencies are aware)** – (see further legal risk section on this matter). Under the current process, the Advisory Group is assessing projects on the basis of applications made between 3 April and 3 May 2024. If there is a significant change to the factual basis for projects, then it is important to note for decision-making on the Advisory Group's recommendations. For example, if landowner approvals have since been obtained.
 - c) **An analysis of any Crown risk associated with projects recommended in the Advisory Group report for listing** – (see further Treaty risk and legal risk sections on this matter). This would include analysis of project deliverability, and implications of funding commitments for projects from the Crown, located on Crown land, and or reliant on Crown funding.

- d) **Commentary on prioritisation**– this could be a commentary on the Advisory Group’s prioritisation list based on aspects the Advisory Group could not have considered (ministerial priorities, specific sector knowledge) and would be informed by Treasury and relevant agencies.
- e) **Analysis of Expert Panel system capacity** – there are currently capacity limits on how many projects Expert Panels can consider which may impact on whether projects listed in Schedule 2A can be considered in the approximately two years indicated (for example, panels under the previous COVID-19 fast-track regime have made decisions on 79 projects in approximately three years). This has implications for how many projects should be included in Schedule 2A. We propose that officials provide you with advice on how many projects could reasonably be assessed by Expert Panels, and therefore inform the number that should be included in Schedule 2A.

Collated agency input

- 11. In providing the commentary at c) and d) above, we propose to include feedback from government agencies beyond MBIE and MfE that are mandated in the relevant sectors. Officials can lead the coordination of this work.
- 12. Agencies would be likely to include: the Ministry of Primary Industries, Ministry of Transport, MBIE, Department of Conservation, Ministry of Housing and Urban Development, the Treasury, Land Information NZ, NZ Infrastructure Commission Te Waihanga, Department of Internal Affairs, Ministry of Culture and Heritage, Ministry of Māori Crown Relations: Te Arawhiti.

Timing of delivery of Amendment Paper to the House

- 13. It has been agreed that the final lists in Schedule 2 will be included in the Bill by way of an Amendment Paper tabled at the Committee of the Whole House. Amendment Papers are required to be consistent with the principle and objects in the Bill (SO 310). There is a risk that if changes in the Bill’s eligibility and ineligibility criteria occur through the Select Committee process, the Advisory Group may recommend some projects for referral which were aligned with the Bill as introduced but not the later version of the Bill (eg, being rendered ineligible by changes to the criteria). See legal risk section below.
- 14. Cabinet will need to delegate the authority to proposed changes on any final Schedule 2 amendments to a Minister or Ministers, including to assist with any proposed changes through the Committee of the Whole House stage.
- 15. Below is a timeline of the process to date, including indicative future dates (subject to confirmation with Ministers and the Parliamentary Counsel Office (PCO) with key deliverables (policy amendments are in orange).

Date	Milestone
7 March	First reading of the Fast-Track Approvals Bill
3 April	Applications to apply to the Fast-Track Listed Projects Advisory Group opened for the public
10 April	Fast-track Projects Advisory Group members confirmed
3 May	Applications from the public closed
17 April – 2 August	Fast-track Projects Advisory Group assess and process applications via regular meetings

2 August	Departmental Report to Select Committee
2 August	Fast-track Projects Advisory Group final report due
15/16 August	Select Committee consider Departmental Report
22 August	Officials provide a briefing to delegated Ministers which delivers the officials' report (including agency feedback on Advisory Group recommended projects), and a draft Cabinet paper for consultation, including noting any additional policy decisions required.
26 August	Joint Ministers meeting for policy decisions
29 August	Ministers meet to finalise the list of projects
5 September	Advisory Group currently scheduled to finish
30 August – 6 September	Draft Cabinet paper out for Ministerial consultation
18 September	ECO Committee
23 September	Cabinet approval to draft Amendment Papers (policy and listed projects)
18 October	Select Committee report returned to the House (extended from 7 September)
11 November 2024	Cabinet approval of Amendment Papers

Cabinet papers and Ministerial input

16. Officials expect to finalise the Cabinet paper with the delegated Ministers' recommended final list of projects to be included in Schedule 2 and seeking approval to draft an Amendment Paper in time to be considered by Cabinet on 23 August 2024. We suggest that appended to the Cabinet paper, you provide the Advisory Group's final report, the officials' report (if any) and a final version of the list of projects.
17. We consider it would be appropriate for you to undertake some degree of Ministerial consultation either as part of your decision-making on the final list of projects, or as part of your delivery of the final list of projects to Cabinet for confirmation. This would enable Ministers with relevant context about particular sectors to provide input, which would alleviate the risk that you propose projects for inclusion on the list which were in some way inappropriate or unlikely to be delivered.
18. Please advise the level of Ministerial consultation you consider appropriate to finalise the list of projects to be included in Schedule 2. We propose the following options:
- a) (Preferred option) the delegated Ministers make decisions on the list with input from Ministers of the Investment and Infrastructure Group (Minister for Infrastructure and RM Reform (Chair), Minister of Finance, Minister of Transport and Local Government, Minister for State Owned Enterprises, Minister of Regional Development and Parliamentary Undersecretary for the Environment) and the Minister for Māori Crown Relations: Te Arawhiti, and the draft Cabinet paper seeking input on the final list is subsequently circulated to all Ministers for comment
 - b) the delegated Ministers make decisions without input from their Ministerial colleagues, and the Cabinet paper seeking approval of the final list is circulated to all Ministers for comment

- c) the delegated Ministers make decisions without input from their Ministerial colleagues and the Cabinet paper seeking approval of the final list is circulated only to the Ministers in the Investment and Infrastructure Group and the Minister for Māori Crown Relations: Te Arawhiti.

19. We recommend option A above because it enables the Ministers with oversight of most of the relevant sectors to have direct input into the projects which will be included on the list (including identifying risks that the delegated Ministers may not be aware of) and enables other relevant Ministers (such as Environment and Conservation) to comment on the Cabinet paper as part of Ministerial consultation.

Treaty risks

20. As agreed in BRF-4408, MfE officials have only undertaken a high-level Treaty of Waitangi analysis on each project, focussed on the effects of projects on Māori development and PSGE settlement priorities. This has included an assessment of what settlements and other relevant arrangements may be impacted, but not detailed analysis of these impacts or engagement with potentially affected Māori groups.

21. The Advisory Group has noted it will flag issues raised by officials (by indicating whether a project has a low, medium or high impact on Treaty settlements and other relevant matters) as part of its report, but not take those matters directly into consideration in advising Ministers. The Advisory Group has expressed the view it may be more appropriate for Ministers to consider the Treaty implications of referring particular projects once the Advisory Group has delivered its report. The Advisory group is considering the Bill as introduced which includes the requirement for decision makers to act consistently with obligations arising under existing Treaty settlements and recognised customary rights¹ which would need to be complied through the remaining steps in the process including at the Expert Panel decision making stage.

22. We note that Cabinet has agreed throughout the Bill drafting process to uphold Treaty settlement obligations [CAB-24-MIN-008 refers]. In order to mitigate the risk that the Crown does not meet its obligations under certain Treaty settlements and other arrangements through the listed projects process, we propose that officials may, if required, include with their report a Treaty of Waitangi analysis for projects recommended for inclusion on Schedule 2A by the Advisory Group. We note this may not be required if proposed amendments to the Bill provide for this analysis to occur later in the process. This advice will ensure that Ministers can consider relevant Treaty settlements and other obligations when making decisions on the final list for inclusion in the Bill, subject to the extent that future processes provide for these matters to be addressed in the Bill.

23. This advice would comprise a summary of the analysis provided to the Advisory Group on Māori development and PSGE priorities (including but not limited to information on Treaty settlements and other relevant arrangements, implications for groups yet to settle their historical Treaty of Waitangi claims, and implications arising under the under the Marine and Coastal Area (Takutai Moana) Act 2011 and the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019). To understand the impacts of projects on Māori development and PSGE priorities, consultation with PSGEs may be necessary. Officials' advice would also identify any risks associated with including a project in Schedule 2A.

¹ Refers to rights recognised under the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019

24. We note based on recent policy decisions [BRF-4664 refers] that for Schedule 2A projects the Expert Panel will be required to request a section 13 report addressing Treaty matters, however, Ministers will not have the benefit of this report when considering whether a project should be included on schedule 2A.

[Legally privileged]: Legal risks



Implication for Crown and for the efficient operation of the system

30. Listing projects in Schedule 2 which have the Crown (including Crown-owned entities) as applicants or require Crown funding may commit the Crown to deliver these projects without having identified funding streams available. Additionally, projects which occur on Crown land have the potential to place a burden on the Crown to manage any future ongoing adverse effects or liabilities arising from the project. We consider there is a risk that the Crown finds itself committed to projects that are not currently funded and/or are not likely to be funded in the future.
31. If you agree to officials engaging in agency consultation, we propose to provide you with advice on the deliverability of Crown projects, including the implications for funding and timing, as part of the officials' report.
32. The Treasury has provided initial advice (attached at Appendix 1) on the criteria Ministers could consider when deciding which Crown projects to include in Schedule 2A. Treasury considers Ministers should:
 - a) focus on projects that have secured full funding, and consider additional funding requirements in the context of your fiscal and economic priorities

- b) give added weight to Crown-funded projects at advanced stage of development
 - c) give added weight to projects with near-term construction start dates.
33. The Treasury and other relevant agencies will be expected to provide input on implications for the Crown, as part of this consultation, either to inform the officials' report or the final Cabinet paper.

Next steps

34. Below is an indicative timeline for next steps, pending your approval is below (note all of these dates are subject to the Select Committee confirmation of the Departmental report, expected by the week of 29 August 2024, and further discussions with PCO):

- **2 August:** The Advisory Group will deliver their final report.
- **2 August – 22 August:** Officials will commission and collate agency and PSGE feedback on the Advisory Group recommendations
- **2 August –22 August:** Officials will assess Advisory Group recommendations against any changes to the Bill arising from Policy decisions
- **22 August:** Officials will provide a report to Ministers including agency analysis as agreed through this briefing, and a draft Cabinet paper for Ministerial consultation.
- **Week commencing 26 August** – Ministers meet to decide final list
- **30 August to 6 September:** Ministerial consultation on draft Cabinet paper.
- **12 September** – Cabinet paper lodged
- **18 September** – ECO Committee
- **23 September** – Cabinet approval to draft Amendment Paper
- *Parliamentary recess – 30 September to 11 October*
- **24 October** – Ministers approve Amendment Paper
- **7 November** – LEG committee
- **11 November** – Cabinet approval of Amendment Paper.

Annexes

Annex one: Delivering Government Priorities Through the Fast-Track Consenting Pathway

Annex one: Delivering Government Priorities Through the Fast-Track Approvals Pathway

This annexure provides recommendations on factors Treasury think should be considered when reviewing the panels' advice on projects, specifically for projects with Crown-funded components.

Prioritisation and sequencing of these projects will be required to account for funding constraints, and FTC system and market capacity.

As it is currently drafted, the Fast-Track Approvals pathway will be open to projects at all stages of development, and while projects must offer "significant regional or national benefits," this term has not been defined, making eligibility criteria permissive.

Of the 392 applications MFE received for listing in Schedule 2A or 2B of the Fast-Track Approvals Bill, we are aware of 33 projects (some comprising multiple components) from government agencies and state-owned enterprises. Treasury expect that the costs of these will be in the billions. We also expect funding for further projects to be sought.

To manage market and FTA system capacity, and in the context of the fiscal strategy, project prioritisation and sequencing will be required. To complement the criteria developed by the panel, we also recommended assessing projects against their funding requirements, maturity, and construction dates. This annex provides advice on how this can be achieved in the Crown context.

We recommend prioritising projects that have secured full funding, and consider additional funding requirements in the context of your fiscal and economic priorities

To support delivery of your infrastructure priorities in the context of the fiscal strategy, we recommend giving FTA priority to projects which have already received full Crown funding, and added weighting to projects which have received partial funding. These projects are often more likely to be in mature stages of development, as discussed below. We recommend considering all projects that require additional Crown funding in the context of future budgets, as well as agency's infrastructure investment plans, and can advise you on individual projects to complement the secretariate's assessment.

We recommend giving added weight to Crown-funded projects at advanced stages of development

We recommend giving added weighting to Crown-funded projects that are at advanced stages of development, as reflected by their status in the Treasury's Quarterly Investment Report (QIR). These projects are more likely to have more detailed planning, including cost estimates, design and scope, to support their FTA application. In addition to support project prioritisation, this will also help support FTA system efficiency, by managing the volume of applications before the expert panel for processing at any one time.

While the expectation was that category 2A listed projects would be deliverable in the near-term, and 2B projects would be deliverable over the medium to long term, for two reasons we do not recommend relying on these classifications alone. Firstly, only listed projects will be categorised in this way; there is no equivalent for referred projects.

Secondly, there is significant variability in how these categories have been interpreted, and many do not map to QIR data. For instance, one project has been submitted for 2A which is

already 'in development,' while a number of others are not yet in, or have been withdrawn, from the QIR. Similarly, some 2A projects have secured funding, while others have yet to signal funding needs.

However, we note that some agencies may have mature capital planning underway that is not reflected in the QIR data, given the process is still bedding in. QIR is a useful proxy for maturity when considered alongside other factors such as the total percentage of funding secured, use of existing balance sheet funding and construction timeframe.

We recommend giving added weight to projects with near-term construction start-dates

The FTA pathway does not have requirements around actual or projected construction start-dates. Similar to the above, we recommend giving added weight to projects with near-term start-dates. This will support system efficiency and integrity by focusing the expert panel's time on projects which more clearly demonstrate an imperative for expedited processing. Projects with longer-term start dates can either apply for the FTA closer to the time of 'breaking ground,' or they can go through ordinary consenting processes.

Next steps

We have added to the 20 August 2024 Infrastructure and Investment Ministers Grouping (IIMG) the item "Using the Fast-Track Consenting model to deliver on Crown infrastructure priorities" and will provide material for this by the 6 August 2024 deadline.

In responding to this briefing, you may wish to consider the recommendations above. You may also wish to ask what information could be attained about the maturity and construction start times of projects from the private market.