


OC240735

26 July 2024



Tēnā koe 

I refer to your email dated 27 June 2024, requesting the following briefings under the Official Information Act 1982 (the Act):

- *“Draft Setting of Speed Limits Rule for Consultation*
- *GPS 2024: Additional Information on Activity Classes*
- *Changes to Budget 2024 Public Transport Decisions*
- *Lower North Island Rail Integrated Mobility Programme - Advice to Support your Meeting with Greater Wellington Regional Council And Horizons Regional Council*
- *4 Updated Draft GPS 2024 and Draft Cabinet Paper*
- *Setting of Speed Limits Rule Package for Public Consultation*
- *Draft GPS 2024 and Cabinet Paper: Approval for Departmental, Ministerial and Coalition Consultation*
- *Meeting with Living Streets Aotearoa - 21 May 2024*
- *Meeting with Auckland Transport and Auckland Members of Parliament*
- *Improving Conditions for Bus Drivers*
- *Background Information for Fast-Track Joint Ministers’ Meeting*
- *Cook Strait Resilience Phase One Report*
- *Updated ERP2 Transport Materials”*

Of the 13 briefings requested, four are released with some information withheld or refused, three are withheld in full and six are refused.

The document schedule at Annex 1 outlines how the documents you requested have been treated under the Act.

Certain information is withheld under the following sections of the Act:

- | | |
|-------------|--|
| 9(2)(a) | to protect the privacy of natural persons |
| 9(2)(b)(ii) | to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information |

9(2)(f)(iv)	to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials
9(2)(g)(i)	to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty
9(2)(h)	to maintain legal professional privilege
18(d)	the information requested is or will soon be publicly available

With regard to the information that has been withheld under section 9 of the Act, I am satisfied that the reasons for withholding the information at this time are not outweighed by public interest considerations that would make it desirable to make the information available.

You have the right to seek an investigation and review of this response by the Ombudsman, in accordance with section 28(3) of the Act. The relevant details can be found on the Ombudsman's website www.ombudsman.parliament.nz

The Ministry publishes our Official Information Act responses and the information contained in our reply to you may be published on the Ministry website. Before publishing we will remove any personal or identifiable information.

Nāku noa, nā



Hilary Penman
Manager, Accountability and Correspondence

Annex 1: Document Schedule

Doc #	Reference number	Title of Document	Decision on request
1	OC240430	Draft Setting of Speed Limits Rule for Consultation	<p>Refused under Section 18(d).</p> <p>Once published, it will be available here: https://www.transport.govt.nz/about-us/what-we-do/proactive-releases/SearchForm</p> <p>Attachments are refused under Section 18(d) as they are or soon will be available here https://consult.transport.govt.nz/policy/setting-of-speed-limits-2024-consultation/</p>
2	OC240462	GPS 2024: Additional Information on Activity Classes	<p>Refused under Section 18(d).</p> <p>Once published, it will be available here: https://www.transport.govt.nz/about-us/what-we-do/proactive-releases/SearchForm</p>
3	OC240474	Changes to Budget 2024 Public Transport Decisions	Withheld in full under Section 9(2)(f)(iv).
4	OC240446	Lower North Island Rail Integrated Mobility Programme - Advice to Support your Meeting with Greater Wellington Regional Council and Horizons Regional Council	Withheld in full under Sections 9(2)(b)(ii) and 9(2)(i).
5	OC240447	Updated Draft GPS 2024 and Draft Cabinet Paper	<p>Refused under Section 18(d).</p> <p>Once published, it will be available here: https://www.transport.govt.nz/about-us/what-we-do/proactive-releases/SearchForm</p>
6	OC240517	Setting of Speed Limits Rule Package for Public Consultation	<p>Refused under Section 18(d).</p> <p>Once published, it will be available here: https://www.transport.govt.nz/about-us/what-we-do/proactive-releases/SearchForm</p>
7	OC240516	Draft GPS 2024 and Cabinet Paper: Approval for Departmental, Ministerial and Coalition Consultation	<p>Refused under Section 18(d).</p> <p>Once published, it will be available here: https://www.transport.govt.nz/about-us/what-we-do/proactive-releases/SearchForm</p>
8	OC240372	Meeting with Living Streets Aotearoa - 21 May 2024	Released with some information under Sections 9(2)(a) and 9(2)(f)(iv).
9	OC240506	Meeting with Auckland Transport and Auckland Members of Parliament	Released with some information withheld under Section 9(2)(a).

Doc #	Reference number	Title of Document	Decision on request
10	OC240574	Background Information for Fast-Track Joint Ministers' Meeting	Released with some information withheld under Sections 9(2)(a) and 9(2)(g)(i).
11	OC240566	Updated ERP2 Transport Materials	Released with some information withheld under Sections 9(2)(a) and 9(2)(h). Annexes 1 and 2 are refused under Section 18(d). Once published, they will be available here: https://www.transport.govt.nz/about-us/what-we-do/proactive-releases/SearchForm
12	OC240571	Improving Conditions for Bus Drivers	Refused under Section 18(d). Once published, it will be available here: https://www.transport.govt.nz/about-us/what-we-do/proactive-releases/SearchForm
13	OC240407	Cook Strait Resilience Phase One Report	Withheld in full under Section 9(2)(f)(iv).

17 May 2024

OC240372

Hon Simeon Brown
 Minister of Transport

MEETING WITH LIVING STREETS AOTEAROA - 21 MAY 2024

Snapshot

Living Streets Aotearoa is meeting with you to discuss the role of walking in the transport system.

Time and date	9.00-9.30am, 21 May 2024
Venue	Parliament EW5.1
Attendees	Tim Jones, President, Living Streets Aotearoa Ellen Blake, Executive Council Member, Living Streets Aotearoa
Officials attending	Jessica Ranger, Manager, Urban Development and Public Transport, Ministry of Transport Deb Hume, National Manager, Multimodal and Innovation, New Zealand Transport Agency
Agenda	Living Streets would like to discuss the role of walking in the transport system. It is likely to raise the following issues: <ul style="list-style-type: none"> proposed funding levels for walking and cycling in the Government Policy Statement for Land Transport 2024 any developments with the National Walking Plan and Accessible Streets programme enhancing pedestrian safety by encouraging more children to walk to school, and reducing footpath obstructions and e-scooters motor vehicle sizes and speed limits.
Talking points	Attached in Annex 1

Contacts

Name	Telephone	First contact
Jessica Ranger, Manager, Urban Development and Public Transport	s 9(2)(a)	✓
Kathleen Wong, Advisor, Urban Development and Public Transport		

Meeting with Living Streets Aotearoa - 21 May 2024

Key points

- Living Streets Aotearoa (Living Streets) is a nationwide organisation that advocates for walking-friendly communities. It often engages with local and central government on transport projects. Its purpose is to advocate for improved safety for pedestrians. It is concerned about the proposed level of funding for walking in the draft Government Policy Statement on land transport (GPS) 2024.
- The Government is proposing to invest up to \$900 million in maintaining and improving walking and cycling infrastructure from 2024/5 to 2029/30.
- The Government intends to rebalance safety initiatives to enable New Zealanders to get where they want to go quickly and safely by creating a more productive and resilient transport network that drives economic growth. It will be introducing a new set of objectives and intended actions for road safety that will focus on safer roads, safer drivers, and safer vehicles.
- This briefing also provides you with suggested talking points to support you in your discussion with Living Streets at **Annex 1**.

About Living Streets

- 1 Living Streets Aotearoa (Living Streets) is New Zealand's national walking and pedestrian organisation, established in 1998. It works to develop walking-friendly communities throughout New Zealand and to promote the benefits of walking as a means of transport and recreation. The organisation represents the diverse needs and aspirations of pedestrians, including wheelchair users. It emphasises the relationship between walking and access to public transport.
- 2 Living Streets is led by an Executive Council and is supported by a membership of transport, road safety, urban design, health, and recreation professionals. The organisation regularly makes submissions to government on a wide range of issues that affect pedestrians.

We expect Living Streets will want to discuss its submission on the draft Government Policy Statement on Land Transport 2024 (GPS 2024)

- 3 Living Streets is not supportive of the proposed level of funding for the Walking and Cycling activity class in the draft GPS. It is concerned about the ability of Road Controlling Authorities (RCAs) to co-fund walking programmes with the proposed funding levels. Some key recommendations it has put forward are:
 - 3.1 a general funding increase for walking, cycling and public transport, with walking receiving at least 10% of the budget
 - 3.2 creating a separate Walking and Cycling improvements funding class

- 3.3 ensuring footpaths alongside new roads and general footpath maintenance can be provided and paid for out of the roading budget rather than the Walking and Cycling Improvements class
 - 3.4 strengthening the focus on the health and safety of all road users, with a focus on pedestrians.
- 4 Living Streets has also proposed splitting the Walking and Cycling Activity Class in the GPS 2024. It has previously raised this matter and we highlighted the additional administrative complexity of having a lot of projects that would be split across two Activity Classes.

Moving vehicles on footpaths and Accessible Streets

- 5 Living Streets has several suggestions to address problems caused by e-scooter use, while retaining them as a positive component of the transport system.

Living Streets may ask about next steps for the Accessible Streets project

- 6 The increased use of new vehicles and micro-mobility devices, including e-scooters, electric skateboards, and e-bikes, has introduced both benefits and challenges for road users. Living Streets considers footpaths are for people on foot or using low-speed mobility devices such as wheelchairs

- 7 Living Streets considers Land Transport rules have lagged behind the introduction of e-scooters. For example, currently e-scooters can be ridden on footpaths but not in cycle lanes.

- 8 Accessible Streets was an initiative of the previous Government that proposed a new framework to clarify the types of vehicles and devices that are allowed on footpaths, shared paths, cycle paths and cycle lanes, and how they can use these spaces. It also included other proposals like requiring road users to give buses priority when exiting bus stops.

9 s 9(2)(f)(iv)

- 10 Some of the issues raised by Accessible Streets relate to problems with the vehicle regulatory system. The draft GPS includes a commitment to review the vehicles regulatory system to enable better management of the safety performance of the vehicle fleet, reduce the regulatory burden, and ensure domestic rules are fit for purpose. Officials are investigating options for progressing this review and will provide advice shortly.

NZTA was developing a National Walking Plan, but this has been paused due to progressing GPS 2024

- 11 The development of a National Walking Plan (the Plan) began in 2023 and led by NZTA. It was an action in the first Emissions Reduction Plan and its purpose was to increase walking for transportation trips in New Zealand. The Plan intended to highlight how walking can maximise access to the public transport network and provide other associated benefits.
- 12 This workstream is currently on hold and its completion will be determined by the priority indicated in the final GPS and subsequent NZTA business planning. NZTA has previously consulted with a range of stakeholders including Living Streets. Living Streets may be interested about the progress of the plan and ask you about its progress.

Children walking to school

- 13 Living Streets would like you to consider how government can work with schools and community groups to make the journey to school safe for children walking. It would like to discuss measures and programmes that could be extended further for school-aged children to increase walking in this demographic.
- 14 The new Setting of Speed Limits Rule proposes to require variable speed limits outside all schools during pick-up and drop-off times.

Reducing obstructions on footpaths

- 15 Another issue Living Streets has raised is the need to reduce obstructions on footpaths that prevent those with mobility issues from getting to and from their destinations. Obstructions include parked motor vehicles, micro-mobility devices (e-scooters and e-bikes), commercial signs, construction materials and fences, and rubbish bins. Living Streets has suggested reviewing the enforcement mechanisms available to Road Controlling Authorities (i.e., penalties and staffing levels).
- 16 Road Controlling Authorities already have powers to enforce fines and penalties to address obstructions. Additionally, Ministry officials are continuing to progress work to amend parking, road safety, and towage and storage fees, as well as associated legislative amendments that will consider this issue (OC240220 refers).

You can direct them to NZTA's Pedestrian Network Guidance to address these issues

- 17 NZTA's Pedestrian Network Guidance (PNG) went live in November 2021¹ and sets out ways to improve New Zealand's walking environment. The PNG outlines a process for deciding on the type of provision that should be made for pedestrians, including those with a wide range of disabilities, and provides design advice and standards.

¹ <https://www.nzta.govt.nz/walking-cycling-and-public-transport/walking/walking-standards-and-guidelines/pedestrian-network-guidance/>

- 18 If Living Streets asks you about current government initiatives for pedestrians, you may want to mention NZTA's PNG provides a 'one-stop-shop' of best-practice guidance, specifically suited to New Zealand's regulatory and operating environment. The PNG has adopted the SOS (Safe, Obvious & Step Free) principles, embracing inclusive access for all people and it has embraced the Safe System approach.

Living Streets has raised concerns about large vehicles and speed limits

- 19 Living Streets has concerns about larger vehicles being used in urban areas and proposes further regulation. Speed is another issue of concern, and Living Streets would like to work with you to provide evidence on this matter.

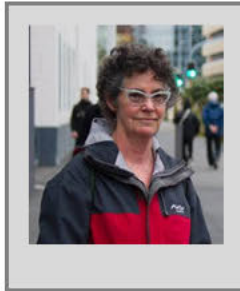
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Biographies



Tim Jones President, Living Streets Aotearoa

Tim is a Wellington writer and activist for low-carbon transport solutions. In 2005, he became Convener of the Sustainable Energy Forum. He was a member of the Government's Vehicle Energy and Renewables Group in 2007-08. He is also involved in the Connect Wellington group which is campaigning for low-carbon transport choices in Wellington.



Ellen Blake Executive Council Member, Living Streets Aotearoa

Ellen is an advocate for walking both nationally and in Wellington. She has an interest in seeing the next generation of footpaths and public spaces develop into places that people want to live and move through as a first choice on foot. In recent times, she has campaigned to become Mayor of Wellington, as well as a city councillor.

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Annex 1: Talking Points

MEETING WITH LIVING STREETS AOTEAROA - 21 MAY 2024

If you are asked about pedestrian footpath safety, you could respond with:

- I am supportive of improving safety in our transport networks. I appreciate the suggestions and proposals you have noted to improve pedestrian safety.
- My current focus is working with my officials to finalise the Government Policy Statement on Land Transport (GPS) 2024. I will also be releasing the Government's road safety objectives later this year.

If asked about the walking and cycling activity class in GPS, you could respond with:

- My priority for the transport system is for it to boost productivity and economic growth and allow New Zealanders to get to where they want to go, quickly and safely.
- I recognise many New Zealanders get around by foot and that it should be safe to do so. That is why the Government is proposing to invest up to \$900 million in maintaining and improving walking and cycling infrastructure from 2024/5 to 2029/30 through the draft GPS 2024. The finalised GPS will be completed in June.

If you are asked about Accessible Streets you could respond with:

- I intend to rebalance safety initiatives to enable New Zealanders to get where they want to go quickly and safely by creating a more productive and resilient transport network that drives economic growth.
- As I outlined in the draft GPS, the Government will be introducing a new set of objectives and intended actions for road safety that will focus on safer roads, safer drivers, and safer vehicles. As part of this work, I have asked officials to prepare a road safety objectives document, which I intend to release later this year.
- As part of the development of the new objectives document, I will consider progressing other work programmes such as Accessible Streets.

If you are asked to provide an update on the National Walking Plan, you could respond with:

- This work is currently on pause while I work with my officials to finalise the GPS 2024. The GPS 2024 will detail this Government's priorities for the transport system.

Other sub-topics Living Streets may mention are...

...current government initiatives for pedestrians

- You may also have heard of NZTA's Pedestrian Network Guide (PNG). The PNG provides a 'one-stop-shop' of best-practice guidance, specifically suited to New Zealand's regulatory and operating environment. The PNG has adopted the SOS (Safe, Obvious & Step Free) principles, embracing inclusive access for all people.

...improving safety for school children

- The new Setting of Speed Limits Rule proposes to require variable speed limits outside all schools during pick-up and drop-off times.
- What are some other measures you recommend for improving and increasing walking for school children?

...reducing obstructions on footpaths

- Road Controlling Authorities and NZTA are responsible for reducing obstructions on footpaths and already have the power to enforce fines and penalties. I would suggest talking to NZTA about increased enforcement.

...addressing e-scooter use

- What suggestions do you have to address problems caused by e-scooter use?

...vehicle size regulation

- I am committed to ensuring vehicle regulatory settings deliver value for New Zealanders. The draft GPS includes my commitment to review the vehicle regulatory system to better manage safety in the fleet, reduce regulatory burden, and ensure our rules are fit for purpose.
- I have no plans to regulate to limit the maximum size or shape of light vehicles entering New Zealand.

... speed limits

- I expect to consult on the draft Rule in the coming months. I would encourage you to engage with this process and submit on the proposals when consultation opens.

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24 May 2024

OC240506

Hon Simeon Brown
Minister of Transport

MEETING WITH AUCKLAND TRANSPORT AND AUCKLAND MEMBERS OF PARLIAMENT

Snapshot

You are attending and making an opening address at a meeting hosted by Auckland Transport to provide Coalition Government Members of Parliament with information on the Auckland Transport work programme.

Time and date	2.00pm, 5 June 2024
Venue	Auckland Transport (20 Viaduct Harbour Ave)
Attendees	National, Act, and New Zealand First MPs from Auckland Dean Kimpton, Chief Executive of Auckland Transport Richard Leggat, Chair of the Board of Auckland Transport Senior Managers of Auckland Transport
Officials attending	
Agenda	<ol style="list-style-type: none"> 1. AT CEO welcome and overview 2. Minister's comments 3. Auckland Transport presentations 4. Discussion with MPs.
Talking points	A draft speech is provided for you in Annex One

Contacts

Name	Telephone	First contact
Karen Lyons, Director Auckland	s 9(2)(a)	✓
Breanna Hawthorne, Adviser, Auckland		

MEETING WITH AUCKLAND TRANSPORT AND AUCKLAND MEMBERS OF PARLIAMENT

Key points

- Auckland Transport is hosting a meeting to brief Auckland based Coalition Government Members of Parliament on their work. A list of MPs invited, and their indicative attendance has been included in Annex Two. We will provide an update on attendees immediately prior to the meeting.
- You have been asked to give a five minute welcoming address to attendees. A draft speech has been included for you in Annex One.
- Auckland Transport have indicated they will be talking about their role in the transport system, their operating model, public transport, roading and major projects.
- Auckland Transport can be expected to speak to their role in planning and delivering the Auckland network. We have ensured that your speech outlines the significant role that Government plays in the Auckland transport system.

Agenda for the meeting

- 1 Auckland Transport has provided an agenda for the event.
- 2 Attendees from Auckland Transport are:
 - 2.1 Richard Leggat – Chair of Auckland Transport Board
 - 2.2 Dean Kimpton – Chief Executive
 - 2.3 Mark Laing – Chief Financial Officer
 - 2.4 Stacey van der Putten – Director, Public Transport & Active Modes
 - 2.5 Murray Burt – Director, Infrastructure & Place
 - 2.6 Dan Lambert – Director, Partnerships & Engagement
 - 2.7 Karen Duffy – Director, People & Performance
 - 2.8 Scott Campbell – Director, Strategy & Governance
 - 2.9 Kirstine Jones – Executive Officer
 - 2.10 John Gillespie – Head of Stakeholder & Community Engagement
 - 2.11 Ben Stallworthy – Principal Advisor Stakeholder Relations
 - 2.12 Max Hardy, Chief of Staff – Office of the Mayor
- 3 A list of Members of Parliament invited, and their current response, is included in Annex Two.

4 The more detailed agenda is:

Item	Time	Detail	Who
1	5	Welcome	Richard Leggat Dean Kimpton
2	5	Introduction	Hon Simeon Brown
3	5	Auckland's transport eco-system	Scott Campbell Mark Laing
4	5	AT operating model Purpose & strategy	Dean Kimpton Dan Lambert
5	10	Public transport	Stacey Van Der Putten
6	10	Road transport Major projects and programmes	Murray Burt
7	20	Discussion	All

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Annex 1: Draft Speech

MEETING WITH AUCKLAND TRANSPORT AND AUCKLAND MEMBERS OF PARLIAMENT

Speaking notes

Thank you, Dean, and your team, for welcoming us all today.

It's great to be here in a room together to discuss the issues and opportunities facing Auckland's transport network.

I'd like to firstly acknowledge the significant role that Auckland Transport plays in providing a transport network that enables people and freight to get around this wonderful city.

It's great to see so many of my colleagues here. I know that we all share a passion for this city and for the potential and opportunity that this city holds.

I'm looking forward to the depth you will add to this conversation through your understanding of Auckland and the issues your constituents face.

Importance of transport in Auckland

I'm sure we all know the importance of getting transport right. Transport is critical to unlocking Auckland's economic potential and enhancing people's quality of life. Significant progress has been made over the past 20 years in improving transport in Auckland. The long-planned motorway network has been completed, the rail system modernised, the bus network upgraded. These improvements have given people better travel choices, while also supporting the city's ongoing growth.

Nevertheless, transport remains one of Auckland's greatest challenges. Auckland currently performs poorly on international rankings for connectivity and transport is holding back the city's productivity.

I hear regularly from Aucklanders on their frustrations with transport.

Government's priority for Auckland transport system

Our Government is committed to delivering a transport system that boosts productivity and economic growth and allows Aucklanders to get to where they want to go, quickly and safely.

As Government, we play a significant role in Auckland's transport system. We contribute significant funding to transport in Auckland both through the National Land Transport Fund and direct Crown investment for major projects such as the City Rail Link. The Government Policy Statement provides direction and signals funding to the transport sector.

I am finalising the 2024 GPS, due to be released this month. GPS 2024 brings about a significant change in focus, realigning transport expenditure to better support economic growth, and to ensure all New Zealanders are provided with a well maintained and reliable transport network.

GPS 2024 prioritises key Auckland projects. The reintroduction of the Roads of National Significance programme includes Mill Road, East-West Link and the Alternative Northwest Alternative Highway. I have recently established the Roads of Regional Significance programme and, in Auckland, this includes Penlink, Waihoehoe Road, and SH1 Papakura to Drury.

We're also investing in public transport, to provide people with transport choice and improve access to jobs and housing. We are prioritising investment in the Northwest corridor to provide a rapid bus solution for the many communities living in the west, the Airport to Botany Busway and the completion of the Eastern busway.

We are also committed to seeing the successful opening of City Rail Link, a project started under the National government in 2016.

Value for money and transport funding

As we collectively deliver this significant transport programme for Auckland, it is critical that we strive for efficiency and value for money in everything we do.

Funding is inevitably limited and we need to ensure that every dollar spent maximises value for taxpayers, ratepayers, and residents.

On funding, we are a Government that is open to new models of funding and delivery. I have signalled to the New Zealand Transport Agency that I expect them to look at PPPs, concessions, and other alternative delivery options for all projects.

In addition to projects, our Coalition Government has committed to working with Auckland Council to deliver time of use charging that will improve travel times on our roads and network efficiency. I intend to introduce legislation in mid-2024 that will establish the framework and expectations for time of use charging schemes.

Longer term plan for Auckland

I am also in discussion with the Mayor of Auckland around joint work on a longer-term transport plan for Auckland through the Auckland Transport Alignment Partnership that has been in place since 2016.

We are laying the groundwork for a future where transport infrastructure supports and enhances our way of life, rather than detracts from it. That means working with Auckland Council and Auckland Transport on progressing the transport programme for Auckland.

I'm sure we all know how important getting things right in Auckland is – not just for Auckland, but for the success of New Zealand. Because we know that when Auckland succeeds, New Zealand succeeds and we need to do everything we can to unlock the potential of this city.

I'd like to now hand over to you Dean, and your team. I'm sure my colleagues will welcome a discussion on your priorities and how we can work together to ensure transport in Auckland meets both Government and Auckland Council objectives.

Thank you and your team again for facilitating the conversation today.

Annex 2: Indicative MP attendance

Name	Party	Electorate	Attendance Indication
Brooke van Velden	Act	Tāmaki	Accepted
David Seymour	Act	Epsom	Declined
Karen Chhour	Act	List	Declined
Parmjeet Parmar	Act	List	None
Simon Court	Act	List	None
Andrew Bayly	National	Port Waikato	Accepted
Cameron Brewer	National	Upper Harbour	None
Carlos Cheung	National	Mt Roskill	Accepted
Chris Penk	National	Kaipara ki Mahurangi	Declined
Christopher Luxon	National	Botany	None
Dan Bidois	National	Nothcote	None
Erica Stanford	National	East Coast Bays	Declined
Greg Fleming	National	Maungakiekie	Accepted
Judith Collins	National	Papakura	None
Mark Mitchell	National	Whangaparāoa	Accepted
Melissa Lee	National	List	None
Nancy Lu	National	List	Accepted
Paul Goldsmith	National	List	None
Paulo Garcia	National	New Lynn	Accepted
Rima Nakhle	National	Takanini	None
Simon Watts	National	North Shore	None
Casey Costello	New Zealand First	List	None
Jenny Marcroft	New Zealand First	List	None
Tanya Unkovich	New Zealand First	List	None

28 May 2024

OC240574

Hon Simeon Brown
Minister of Transport

Background information for Fast-track Joint Ministers' Meeting

Time and date	6.30 – 8.00pm, 29 May 2024
Venue	Parliament
Attendees	Hon Chris Bishop, Minister Responsible for RMA Reform, Minister for Infrastructure Hon Tama Potaka, Minister of Conservation Hon Shane Jones, Minister for Oceans and Fisheries, Minister for Resources
Officials attending	Siobhan Routledge, Acting DCE, Policy Group
Agenda	Agenda has been provided by MfE
Talking points	Talking points are attached

Contacts

Name	Telephone	First contact
Jessica Ranger, Manager, Urban Development and Public Transport	s 9(2)(a)	✓
Rebecca Beals, Principal Adviser, Urban Development and Public Transport		

Background information for Fast-track Joint Ministers' Meeting

Key points

- This briefing provides background information and talking points for the Fast-track Joint Ministers' meeting on 29 May 2024.
- A summary of key issues to discuss in this meeting are set in the table below.

Proposal in MfE briefing	Summary of MoT advice
Ineligible Projects (clause 18 of the Bill)	
<ul style="list-style-type: none"> • The briefing material from MfE notes there are several challenges with the provisions of the Bill relating to the ineligibility of projects. • Clause 18 of the Bill sets out ineligibility criteria. If a project meets one of these criteria, it is ineligible. As currently drafted, there is no discretion in this. • MfE is proposing multiple changes to address the ineligibility criteria, including adding new criteria that 'may' be considered (Recommendation 15). • MfE also propose changes that do not provide a discretion to Ministers in the absence of written approvals (Recommendation 79). • Recommendations 82 and 83 provide options for the absence of written approvals consistent with recommendations 18 and 19. 	<ul style="list-style-type: none"> • Without a change to the ineligibility provisions, it is unlikely many, if any, transport projects are going to be able to use the fast-track process. This includes Roads of National Significance. • A key concern is the requirement for written approval from a range of landowners to be provided at referral. <p style="text-align: center;">s 9(2)(g)(i)</p> <ul style="list-style-type: none"> • We support Option 2 as it provides Ministerial discretion (Recommendation 18). We do not support retaining the status quo (Option 1) or moving the requirements to the substantive application stage (Option 3). • If a Ministerial discretion is provided, it should apply to all the ineligibility criteria in clause 18. The briefing does not clearly set out why the discretion is being limited to only some criteria. A consistent approach is preferable and mitigates against unintended consequences. We do not support Recommendation 79 as currently worded, as the approach does not provide this Ministerial discretion. • We support Recommendation 21 – MoT will continue to work with MfE and MBIE on further advice to delegated Ministers on this change.
Timeframes	
<ul style="list-style-type: none"> • Some gaps in the timeframes for applications have been identified. 	<ul style="list-style-type: none"> • We support the proposed changes to include more clarity on timeframes.

<ul style="list-style-type: none"> • Recommendations 41 to 49 seek to provide certainty on various timeframe steps once the Panel is appointed. • MfE has determined the timeframes start once the application is provided to the panel. 	<ul style="list-style-type: none"> • We suggest you seek clarity in the Bill for timeframe start and end dates. A key concern for the Ministry is starting timeframes once the application is provided to the panel. Experience from the COVID-19 fast-track process is there can be a three-to-four-month gap from when an application is lodged to the EPA and a panel appointed. • We propose suggesting an additional clarification - the Expert Panel has no more than six months to issue a final recommendation once an application is lodged with the EPA. This will address a gap in the Recommendations and will ensure the process proceeds at speed.
General	
<ul style="list-style-type: none"> • Several other corrections, inconsistencies and clarifications to the Fast-track Approvals Bill are proposed by MfE in the papers. 	<ul style="list-style-type: none"> • MoT generally supports these proposals as they do not impact on the transport system's ability to rely on the process.

Background

- 1 Fast-track Joint Ministers are meeting on 29 May to discuss changes to the Fast-track Approvals Bill.
- 2 MfE has circulated a briefing pack for the meeting. MoT had limited opportunity to influence this briefing, so we highlight below some areas where our advice on preferred options differs to that provided by MfE.

Key decisions at the meeting

- 3 There are several key decisions for the Fast-track Approvals Bill changes relevant to transport, including:
 - a. the ineligibility provisions
 - b. the timeframes applying to decisions.
- 4 In addition, there are other decisions that may be of particular interest to your Ministerial colleagues that have little to no impact on the transport system. These matters are generally technical in nature and are not further addressed in this briefing:
 - a. substantive decision-making
 - b. refining and clarifying application detail requirements

- c. refining and clarifying roles that the EPA and responsible agencies undertake
- d. decision making for aquaculture and fisheries activities and a suite of technical corrections.

Ineligible projects

5 The Fast-track Approvals Bill sets out ineligibility criteria in Clause 18. If a project meets one of these criteria, it is ineligible. As currently drafted, there is no discretion in this.

6 s 9(2)(g)(i)

7

8 A particular concern is clause 18(a) as it requires the written approval from a range of landowners before a project can be considered for referral to the access the system. The range of landowners from whom approval is required is significantly greater than was previously required under the COVID-19 fast-track process, or the Natural and Built Environment Act (NBA) fast-track process.

9 Obtaining written approval from such a wide range of landowners is challenging for linear infrastructure such as transport. This is because projects, such as those involving state highways or rail, usually impact on a significant number of land parcels.

10 Without the written approvals, the merits of the project itself carry no weight, and the project simply cannot access the fast-track process. There is no discretion in this regard.

11 Providing discretion would enable linear infrastructure that is nationally or regionally significant to gain access to the fast-track process as intended by Ministers, while ensuring Treaty of Waitangi obligations are considered.

12 MfE has provided three options for resolving this issue. We support Option 2 (Recommendation 18) as it gives this discretion to Ministers. However, we consider this Ministerial discretion should apply to all criteria in clause 18. The briefing from MfE does not clearly articulate why Ministerial discretion should only apply in the case of written approvals from landowners not being provided under clause 18(a). We consider there should be a consistent approach to the ineligibility criteria.

13 We do not support Option 1 (Recommendation 17) or Option 3 (Recommendation 19) as they would not achieve sufficient certainty for transport projects as to whether they can access the fast-track process.

14 We support Recommendation 21 – delegating final decisions on these options to the Ministers for RMA Reform, Transport, Regional Development and Conservation.

15 We do not support Recommendation 79 as it continues the approach that is already included in clause 18(a), and while the intention to reflect consideration of local authority reserves is important, the Recommendation should be amended for the same reasons as outlined above in relation to Recommendation 18 and a Ministerial discretion provided.

16 Suggested talking points:

- *How the provisions in the Bill are currently drafted will be a significant barrier to delivering our transport commitments at pace and scale.*
- *Of particular concern is the need to obtain written approval from a wide range of landowners – this is challenging for transport as projects often impact on a significant number of land parcels.*
- *I support Option 2 (Recommendation 18) as it gives discretion to Ministers to consider the merits of a project rather than a project being deemed ineligible because it meets one of the ineligibility criteria.*
- *This discretion should apply to all ineligibility criteria in clause 18 so there is a consistent approach.*
- *I support final decisions on these options being made by delegated decision of the Ministers outlined in Recommendation 21.*

Timeframes

17 The intention with the Fast-track approvals is that it is fast. Without certainty of timeframes, there is no guarantee this will be achieved.

18 While some steps in the process can be undertaken 'as soon as possible', there needs to be a clear start date and end date for the timeframes on applications. Otherwise, there is no 'fast' in fast-track.

19 The overall intent agreed by Cabinet [CAB-24-MIN-0066] is that Expert Panels must recommend any appropriate conditions within a maximum six-month timeframe. MfE has determined the timeframes start once the application is supplied to the panel, rather than when it is lodged with the EPA. Experience from the COVID-19 fast-track process is there can be a three-to-four-month gap from when an application is lodged by the EPA and a panel appointed. We have suggested you raise this to ensure there is clarity in the Bill on overall timeframes.

20 We are concerned by the inconsistent approach to timeframes in the Bill and in what is being proposed by MfE in this briefing:

- a. While this briefing proposes timeframes for some process steps, it does not others. For example, the briefing proposes giving the panel a set number of days to ask for more information once an application is provided to it from the EPA. It does not set a timeframe for how long it should take for the EPA to supply the application to the panel or when the panel is required to be stood up.
- b. There is also no time set for how long Ministers can take to make a final decision on the recommendations made by the panel. s 9(2)(g)(i)

21 Suggested talking points:

- *I support Recommendations 41 to 49 that provide specific times for specific process steps.*
- *I suggest we also clarify the Expert Panel has no more than six months to issue a final recommendation once an application is lodged with the EPA. This will address a gap in the Recommendations and will ensure the process proceeds at speed.*

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Annex 1: Talking Points

INELIGIBLE PROJECTS

- *How the provisions in the Bill are currently drafted will be a significant barrier to delivering our transport commitments at pace and scale.*
- *Of particular concern is the need to obtain written approval from a wide range of landowners – this is challenging for transport as projects often impact on a significant number of land parcels.*
- *I support Option 2 (Recommendation 18) as it gives discretion to Ministers to consider the merits of a project rather than a project being deemed ineligible because it meets one of the ineligibility criteria.*
- *This discretion should apply to all ineligibility criteria in clause 18 so there is a consistent approach.*
- *I support final decisions on these options being made by delegated decision of the Ministers outlined in Recommendation 21.*

TIMEFRAMES

- *I support Recommendations 41 to 49 that provide specific times for specific process steps.*
- *I suggest we also clarify the Expert Panel has no more than six months to issue a final recommendation once an application is lodged with the EPA. This will address a gap in the Recommendations and will ensure the process proceeds at speed.*



29 May 2024

Hon. Simeon Brown

Minister for Transport

AIDE MEMOIRE: UPDATED ERP2 TRANSPORT MATERIALS

To: Hon. Simeon Brown, Minister of Transport

From: Siobhan Routledge, Acting Deputy Chief Executive, Policy Group and Erin Wynne, Manager ERP2 Development

Date: 29 May 2024

OC Number: OC240566

Purpose

- 1 To provide revised transport materials for the Emissions Reduction Plan 2 for your consideration and approval.

We have revised the transport materials for Emissions Reduction Plan 2

- 2 On 30 April 2024, you approved the draft transport content for the Emissions Reduction Plan 2. Since then, officials have updated the transport materials with revisions as part of streamlining the discussion document across government agencies. Some content has been moved to a Supplementary Materials document.
- 3 These documents are attached and have been marked up with drafting notes in red, and changes in grey, to make it clear where edits are proposed. The attachments are:
 - Annex 1: Revised transport chapter for ERP2 Discussion document
 - Annex 2: Transport excerpts from the 'Supporting materials for consultation'.

4

s 9(2)(h)

- 5 In response to this advice, officials are currently developing intervention logic maps. Once these are finalised for transport proposals in the discussions document, they will be shared with your office for your consideration.
- 6 Final revised material will be needed by 6 June 2024 so that consolidated documents can be lodged on 13 June for Cabinet consideration the following week.

Contacts

Name	Telephone	First contact
Siobhan Routledge, Acting Deputy Chief Executive, Policy Group	s 9(2)(a)	
Erin Wynne, Manager, Emissions Reduction Plan 2 Development		✓

Annex 1 and 2 are refused under Section 18(d) as they soon will be available here:
<https://www.transport.govt.nz/about-us/what-we-do/proactive-releases/SearchForm>

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