



Talking points: Notes for Cabinet discussion on RMA Amendment Bill 1

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Security level: Classification

Actions sought from ministers

<i>Name and position</i>	<i>Action sought</i>
To Hon Chris BISHOP Minister Responsible for RMA Reform	None

Actions for Minister's Office staff

N/A

Appendices and attachments

1. Talking points for ECO Cabinet Committee on 10 April 2024
2. Information on changes to coastal permits for ports and marine farms

Key contacts at Ministry for the Environment

<i>Position</i>	<i>Name</i>	<i>Cell phone</i>	<i>First contact</i>
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Notes for Cabinet discussion on RMA Amendment Bill 1

Purpose

1. This paper provides you with information to support your attendance at Cabinet Economic Committee (CAB ECO) at 9am on Wednesday 10 April 2024.
2. Attached as appendix one are talking points for your Cabinet paper “First Resource Management Act Amendment Bill to address a small number of time critical changes”.
3. Attached as appendix two is information and advice on proposals to extend consents for ports and marine farms. This relates to two Cabinet papers that you have submitted jointly with the Minister of Oceans and Fisheries (*Extending the Duration of Existing Marine Farm Consents*) and the Minister of Transport (*Resource Management Act 1991: Amendment to Extend Port Coastal Permits*) which are due to be considered the same day by CAB ECO.
4. Appendix two provides potential amendments which could be considered depending on the outcome Cabinet is seeking to achieve from these changes.

Appendix 1: Talking points for ECO Cabinet Committee on 10 April 2024

1. This paper seeks agreement to a bill. This Bill focusses on a small number of time-critical issues.
2. This Bill is part of a package of reforms to the Resource Management (RM) system.
 - i. It follows decisions to introduce the Fast-Track Approvals Bill.
 - ii. After this Bill I'm calling RM Bill 1, will come Bill 2 which will be more substantive and will take some time to develop.
 - iii. Building on these quick wins, phase three will develop policy and legislation to permanently replace the Resource Management Act 1991 (RMA).
3. This paper seeks decisions in three key areas:
 - i. Firstly, agreement to the scope and timing of the first bill
 - a. The paper currently seeks agreement to include six issues.
 - b. NOTE - Following further discussions with the Minister of Transport – we propose to remove the proposal to extend the duration of coastal permits for port companies from Bill 1.
 - i. and to address this through RM Bill 2 – this will allow time to consult with iwi and stakeholders on options to provide certainty for ports
 - c. The Bill will include the following five issues:
 - changes to stop the hierarchy of obligations in the National Policy Statement for Freshwater Management (NPS-FM) being used in consent decisions
 - amending national direction to align the consenting pathway for coal mining with other extractive activities in wetlands and Significant Natural Areas (SNAs)
 - suspending requirements under the National Policy Statement for Indigenous Biodiversity (NPS-IB) to identify new SNAs.
 - amending stock exclusion regulations in relation to sloped land and
 - repealing the intensive winter grazing regulations
 - d. The Bill is to be introduced in May and passed in November. This timeframe will be tight and requires quick decisions.
 - e. I propose a Select Committee of 4 months. This is important given the limited time for engagement on detail to date.
 - ii. Secondly, the policy for excluding the hierarchy of obligations within the NPS-FM from resource consenting:
 - a. The decision to do this was already made by Cabinet in December 2023, this is providing additional detail needed for drafting.

- iii. Thirdly, the policy for aligning the consenting pathway for coal mining with other extractive activities across National Direction.
 - a. This change will stop coal mining from being treated differently in the NPS-FM, NES-F and NPS-IB compared to other extractive activities which have a similar environmental effect (eg, aggregate and other mineral extraction).
 - b. West Coast coal mining parties are currently judicially reviewing the provisions in national directions. They are seeking to quash the coal mining-specific restrictions. The proceeding is to commence 29 July 2024.
 - c. Regulatory Impact assessment has not been possible – a Supplementary Analysis Report will be provided in May with the Bill.
- 4. Separate papers have been submitted to Cabinet on other matters in the Bill:
 - extending the duration of permits for port companies [joint paper with Minister of Transport].
 - amending stock exclusion regulations/ repealing the intensive winter grazing regulations [Minister of Agriculture and Associate Minister for the Environment – Hon, Andrew Hoggard].
 - Note that Cabinet has already agreed to amend the NPS-IB to suspend requirement for councils to identify new SNAs [Hon Andrew Hoggard]
 - Note that the proposal to extend duration of marine farm consents is no longer in this Bill, but the decisions are being progressed through a paper [joint with Minister Jones].

Next steps

- 5. If agreed, I propose to release a press statement on the proposed content of the Bill, in conjunction with the Minister of Transport, the Minister of Agriculture, Minister of Resources, and the Associate Minister for the Environment.


Appendix 2: Information on changes to coastal permits for ports and marine farms

Extending port coastal permits


Background

1. The Minister of Transport and you have submitted a paper to CAB ECO seeking agreement to extend the duration of certain coastal permits for port companies by 35 years.
2. Of the thirteen ports originally included, three ports have obtained an RMA consent already; 10 ports are still to do this – and have section 384A permits expiring in 2026.
3. The paper recommends extending these permits by 35 years but provides an alternative to extend by 20 years.


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s9(2)(h)



s9(2)(h)

Extending the duration of consents for marine farms

Background

1. This paper seeks agreement to extend the duration of marine farm consents for all existing marine farms by 25 years.
2. There are about 1200 marine farms in New Zealand; approximately 300 with consents expiring in December 2024.
3. MPI undertook brief consultation (1 week) with stakeholders, industry and iwi/Māori, which highlighted concerns:
 - a. Councils and ENGOs – that this won't provide for a review of effects and conditions to manage them
 - b. Iwi and Māori – not enough time to discuss, bypasses consenting process, will impact on individual Treaty settlement obligations and mechanisms for Māori to act as kaitiaki

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