



BRF-4025: Cabinet Legislation paper for lodgement - Natural and Built Environment and Spatial Planning Repeal and Interim Arrangements Bill: Approval for Introduction

Date submitted: 14 December 2023

Tracking number: BRF-4025

Security level: Classification

MfE priority: Urgent

Actions sought from Ministers

Name and position	Action sought	Response by
To Hon Chris BISHOP Minister Responsible for RMA Reform	Lodge the attached Cabinet paper with the Cabinet Office by 2.00pm on Friday 15 December 2023	15 December 2023

Actions for Minister's office staff

If agreed to, forward this briefing to:

Hon Penny Simmonds, Minister for the Environment;

Hon Andrew Hoggard, Associate Minister for the Environment;

Lodge the attached Cabinet Legislation paper with Cabinet Office by 2.00 on Friday 15 December 2023

Return the signed briefing to the Ministry for the Environment (ministerials@mfe.govt.nz) and rm.reform@mfe.govt.nz

Appendices and attachments

1. CAB-372 - *Natural and Built Environment and Spatial Planning Repeal and Interim Arrangements Bill: Approval for Introduction* (clean version)
2. CAB-372 - *Natural and Built Environment and Spatial Planning Repeal and Interim Arrangements Bill: Approval for Introduction* (track -changes version)
3. Talking points: *Lodgement - Natural and Built Environment and Spatial Planning Repeal and Interim Arrangements Bill*

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Purpose

1. This briefing provides an updated version of the Cabinet Legislation paper *Natural and Built Environment and Spatial Planning Repeal and Interim Arrangements Bill: Approval for Introduction* (the Cabinet paper) for consideration by Cabinet on 18 December 2023.

Legislative cabinet paper

2. The Cabinet paper seeks approval to introduce the Natural and Built Environment and Spatial Planning Repeal Bill (the Bill) to the House. The Bill will repeal the Natural and Built Environment Act 2023 (NBA) and Spatial Planning Act 2023 (SPA).
3. The Cabinet paper is scheduled to be considered by Cabinet on 18 December 2023. We invite you to lodge the Cabinet paper with the Cabinet Office by 2.00pm, 15 December 2023.
4. An initial draft of the Cabinet paper was provided to you on 11 December 2023 (refer BRF-3971). Since then, we have made the following updates to the paper:
 - i finalised content on the role of the Spatial Planning Board, following your decision in *BRF-3968 Opportunities for spatial planning*
 - ii made some minor changes for clarity and accuracy, including in relation to Treaty settlements (paras 29-31)
 - iii added a recommendation in relation to a further amendment made to the Marine and Coastal Area (Takutai Moana) Act 2011, which was identified during the drafting process.
5. The NBA inserted new section 62A into the Marine and Coastal Area (Takutai Moana) Act 2011. This clarified the role of resource consent applicants and consent authorities where there are applicant groups seeking customary marine title. This was a process improvement made to the Takutai Moana Act not connected to the NBA and aligned with the changes that you agreed to retain through the repeal bill in the Takutai Moana Act (Cabinet recs 17 and 18 of CAB-23-MIN-0473). We recommend you seek Cabinet's agreement to retain this amendment through the Bill.

6. We have also made some minor amendments to the Cabinet paper to improve accuracy and clarity.
7. The attached version of the Cabinet paper has been updated following your feedback on the initial draft. A 'track change' version is provided alongside the clean version, so you can see the changes that have been made.

Next steps

8. Officials are available to meet and discuss any matters prior to Cabinet if you wish. We have also provided you with talking points to support your discussions at Cabinet.

Recommendations

We recommend that you:

- a. **lodge** the attached Cabinet paper with the Cabinet Office by 2pm, Friday 15 December 2023, for consideration by Cabinet 18 December 2023.

Yes | No

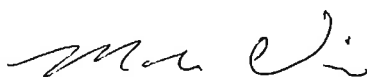
- b. **agree** to retain the amendment made by the NBA, to insert section 62A into the Marine and Coastal Area (Takutai Moana) Act 2011, through the repeal Bill (this further amendment being retained was made for reasons independent of the NBA and identified through the drafting process)

Yes | No

Signatures



Jo Gascoigne
General Manager
Resource Management System
14 December 2023



Mark Vink
Executive Director
Spatial Planning Policy Office
14 December 2023



Hon Chris Bishop
Minister Responsible for RMA Reform

Date 15/12/2023

Appendices

Please see appendices as attached via email to the Minister's office.