



Resource Management Act Reform Weekly Update

Whakanaketanga Whakarite Rawa Ahuarangi ā-Wiki

For the week beginning 9 September 2024

Hon. Chris Bishop, Minister for Resource Management Act Reform

Key Updates

RMA Amendment Bill 2

Share with US Court? Y

Freshwater farm plans

Cabinet agreed to allow amendments to the Resource Management Act 1991 (RMA) to support freshwater farm plans to be more cost effective and practical through RM Bill 2 [CAB-24-MIN-0246 refers]. Cabinet delegated detailed policy decisions on freshwater farm plans to you, Minister McClay and Minister Hoggard (in his capacity as Associate Minister of Agriculture and the Environment).

You will shortly receive an initial delegated decisions briefing on freshwater farm plans. Further decisions on freshwater farm plans may be sought in October as part of Minister Hoggard and Clay's broader review of freshwater farm plans.

Detailed policy decisions on more efficient consenting processes and council decision making

You have taken decisions on BRF-5124, including providing for a one year consenting timeframe for renewable energy consents, excluding for hydro electricity generation but not for geothermal activity. We would like to understand this decision further and will put on the agenda for our next officials' meeting.

This will help to inform our next briefing for you on 35-year consent durations for renewable energy consents. This advice will set out options for hydro electricity generation and geothermal generation, which both comprise activities include taking freshwater (and geothermal fluid), discharges to land and/or water and associated consents.

Business Group: Environmental Management and Adaptation

Owner: Rhedyn Law, 027 363 7945

Electrify NZ work programme

Share with US Court? Y

Engagement

Together with MBIE, we have engaged with local government, the energy sector and environmental NGOs on Electrify NZ policy proposals:

- consenting changes through RMA Amendment Bill 2
- amendments to the National Policy Statement for Renewable Electricity Generation, the National Policy Statement on Electricity Transmission and the National Environmental Standards for Electricity Transmission Activities.

Further engagement is planned over the coming month with targeted local government practitioners to test the workability of proposals. We have had no requests from Post Settlement Governance Entities to engage on the Electrify NZ proposals to date.

Feedback themes include:

- The value of spatial planning to identify constraints, opportunities and trade-offs, including the mapping of areas of significant environmental value and renewable energy zones.
- There are benefits in providing greater specificity of information requirements for planning applications and more technical guidance to support councils in assessing renewable energy applications. Having quality applications upfront can reduce the need for further information thereby reducing timeframes and costs.

- Council decision-makers are not confident in offsetting and compensation as methods to address adverse effects.
- There are concerns from councils and ENGOs of consent banking if long lapse periods granted.
- There is a need to consider the whole suite of RMA tools available, including planning standards, to provide national consistency.
- There is a need to be equally enabling of transmission and distribution.
- Smaller renewables operators would like flexibility in consents to enable them to respond to market changes.

We're using this feedback to inform policy options and future advice to Ministers.

Business Group: Environmental Management and Adaptation

Owner: Liz Moncrieff, 022 048 2314

Towards evidence-informed policy evaluation

Share with US Court? Y

A Ministry authored technical report will shortly be published on our website, titled: *"Towards evidence-informed policy evaluation: Exploring National Monitoring System [NMS] data to determine effectiveness of the National Policy Statement for Highly Productive Land [NPS-HPL]"*.

Using the most recently available NMS data at the time of undertaking, the analysis explores the potential use of 2021/22 NMS data to inform the effectiveness of the NPS-HPL. While the data is prior to the NPS-HPL having legal effect, the overall objective of the analysis is to explore the potential value of NMS data to inform environmental policy, using the NPS-HPL as a workable example at a national scale.

The results were encouraging, showing that it is possible to identify the land area associated with each resource consent associated with 'subdivision' and 'other land use' activity of relevance to the NPS-HPL (noting the intent of the analysis was to explore an approach to test the effectiveness of the policy and not the mapping of HPL itself). The report expands on results specific to HPL, discusses limitations, and makes recommendations to help improve future policy evaluation. The uptake of recommendations can also inform and create opportunities for a wider range of environmental policy so that it is supported by good data and evidence.

The report has gone through independent external peer review and is not anticipated to garner media interest. It is undergoing formatting and proofing and will published on our website in the coming weeks.

Would you like us to inform you of its publication date once confirmed?

Yes / No

Would you like to be provided with a copy of the report?

Yes / No

Business Group: Science and Data Systems

Owner: Clare Barton, 027 330 4659

National Direction on Natural Hazards Announcements

Share with US Court? Y

Last week you announced the decision to take a 'do it once, do it right' approach to managing the risks posed by natural hazards through introducing National Direction on Natural Hazards (ND NH). We've identified 9 media articles on the announcement - 7 articles and 2 radio interviews (Radio New Zealand and Newstalk ZB). Most of the coverage did not comment on the policy detail, instead providing more detail on the proposals and quotes from your speech at the LGNZ Conference.

Since the announcement we've contacted key stakeholders to ensure that they were aware of the announcement and discuss next steps. There is high interest in engaging on the ND NH, and discussions are being scheduled with representatives from the insurance, banking, infrastructure, development, environmental NGO and local government sectors. We will also test policy proposals with NICF Pou Taiao and will seek to re-engage with Māori who provided input on the National Policy Statement – Natural Hazards Decision Making. During preliminary discussions, sector representatives have indicated support for progressing one piece of ND NH rather than two.

Business Group: Environmental Management and Adaptation

Owner: Katherine Wilson, 021 146 3122

Completion of rapid review into the management of the Wairoa River Bar

Share with EPA?: N

Following the 26 June 2024 Wairoa flood event, Cabinet agreed to an urgent and focused review into Hawkes Bay Regional Councils' management of the Wairoa River bar. We contracted Mike Bush International to deliver the independent review. The final report has now been received. Ministers Mitchell, Simmonds and Brown may make announcements in respect of the report this week.

The report mainly provides practical recommendations aimed at HBRC to improve management of the Wairoa River bar in the future.

You should be aware that the report contains a recommendation that '*central government clarify the statutory framework related to flood management*' and goes on to say that '*an efficient time to do this may be when the new national direction on natural hazards is developed as part of the government's RMA reforms*'. The recommendation is largely made in passing, but if questioned Ministers could note that they intend to reflect on the reports' findings when making detailed decisions in respect to Bill 2 and the integrated national direction package.

Business Group: System Enablement

Owner: Sara Clarke, 021 708 305

RMLA Conference – Phase 3 workshop

Share with US Court? Y

We understand you intend to use your appearance at this conference on 19 September to speak on the Government's approach to Phase 3 reform of the RMA. As indicated previously, we are working with the conference committee on a workshop later in the day for attendees to further explore and discuss your Phase 3 announcements.

This workshop presents an opportunity to hear early feedback on the proposed approach to Phase 3. We understand some of the proposed EAG members will be at the conference and, assuming their appointments are confirmed, can start to bring in practitioner insights into the deliberations over the coming months.

A panel of 5 to 7 conference attendees will be asked to contribute their perspectives on some of the key outcomes proposed for Phase 3. The chosen panellists bring a range of perspectives, e.g., legal, local government, business, environmental, planning. A facilitator will guide the discussion and audience participation/feedback will also be sought using the conference application. Liz Moncrieff will also speak briefly to reiterate any process related queries as a follow up to your speech. We will also capture key themes that come out of the session.

We seek your permission to provide the panellists with a copy of the Phase 3 Cabinet paper in advance of the conference to allow them time to prepare for the workshop, if that Cabinet paper is not released earlier following other planned Phase 3 announcements. We can ask them to ensure confidentiality is maintained as required.

Agree to officials' providing a copy of the Phase 3 Cabinet paper to the workshop panellists

Yes / No

Business Group: Environmental Management and Adaptation

Owner: Liz Moncrieff, 022 048 2314

Upcoming Estimates Debate – Environment and Climate Change

The Climate Change Estimates Debate was rescheduled and will now occur on 17 September, with the Environment Estimates Debate scheduled for 18 September. In both instances, the debates are set down for 60 minutes.

Minister Watts will lead the Climate Debate. Minister Simmonds (as Vote Minister) will lead the Environment Debate with you and Minister Hoggard also present.

Form of the debate

The Chair of the Environment Committee will start the debate by summarising the [Committee's Report on the Vote](#). Lead Ministers will have the first right of reply following the Chair's report and this is an opportunity to address any matters highlighted by the Committee in their report, front foot new or emerging issues, share portfolio announcements and any other messages.

Members from across the House will take calls, stand and share their views and positions in respect of issues within the portfolio. They will also pose questions to the Ministers in attendance. After each call, the relevant Minister will have the right of reply.

Support from the Ministry

Your office will receive a series of fact sheets to support your participation in the debate on 9 September. Officials will be present in the chamber during the debate.

Business Group: Office of the Chief Executive

Owner: Martin Workman, 022 517 3268

RMA Statutory Notifications to the Minister Responsible for RMA Reform

Type	From	Planning Instrument	Purpose	Date Received	Consultation Period or Statutory Timeframe	Response
s 9(2)(f)(iv)						

This information is included in the RMA Reform Weekly Update, in addition to Hon Simmonds' Environment Weekly Update, in recognition of the correlation between the Environment and RMA Reform portfolios.

Intensification Planning Instrument Progress

Note		Council	ISPP progress Finish date	Extension requested/granted to date
Councils in the process of completing their ISPPs				
Decision made on referred recommendations				
Advice sent to office for Minister's decision				
Recommendations to be referred to Minister	Waipā District Council	Referred recommendations to Minister received 30 August 2024.		
Extension request received	Christchurch City Council	Request for extension received 22 August 2024. Advice sent to Minister 4 September 2024		
	Waikato District Council	Hearings complete. Decision on extension request made.	22 October 2024	Yes
	Waipā District Council	Hearings complete. Decision on extension request made.	30 August 2024	Yes
No current indication of further extensions needed	Waimakariri District Council	Hearings yet to commence.	17 December 2024	Yes
	Hamilton City Council	Hearings due to commence September.	20 December 2024	Yes
These councils have substantial time to complete	Christchurch City Council	Hearings complete. IHP has delivered its recommendation report to Council.	12 September 2024 for parts of plan implementing policy 3 & 4 of NPS UD.	Yes

			12 December 2025 for implementing MDRS.	
	Tauranga City Council (Tauriko West)	Submissions closed.	31 December 2025	Yes
	Auckland	Hearings paused.	31 March 2026	Yes
Councils that have completed their ISPPs				
	Porirua City Council	Completed.	14 December 2023	Yes
	Hutt City Council	Completed.	22 September 2023	Yes
	Upper Hutt City Council	Completed.	20 December 2023	Yes
	Kāpiti Coast District Council	Completed.	20 August 2023	No
	Selwyn District Council	Completed.	20 August 2023	No
	Rotorua District Council	Completed.	31 March 2024	No
	Western Bay of Plenty	Completed.	1 March 2024	Yes
	Wellington City Council	Completed.	20 March 2024	Yes
	Tauranga City Council	Completed (substantive part).	17 July 2024	Yes

Upcoming Briefings for Minister Bishop

Papers sent to the Minister in the last seven days and due to the Minister in the following 3 weeks
As at 1pm, 5 September 2024

Tracking Number	Title	Purpose	Responsible General Manager / Chief Advisor	Title Suitable for Proactive Release?	Date due to Minister
BRF-5249	Extension request from Christchurch City Council (August 2024)	Provides advice on Christchurch City Council's extension request for more time to complete its intensification plan change.	Liz Moncrieff	Y/N	Sent 4 September
BRF-5247	Fast-track Approvals Bill - advice on expert panel capacity	Seeks approval to amend the Bill to include options to stand up more expert panels more quickly.	Ilana Miller	Y/N	Sent 4 September
BRF-5284	Vote Environment Performance Plan	Provides information to support conversations around the development of the Vote Environment Performance Plan.	Arun Patel and Kathleen Mackie	Y	Sent 5 September
BRF-4969	Improving the environmental data system	Provides the next iteration of the improving environmental data work programme.	Jonathan Ryan	Y/N	5 September
BRF-5227	Further advice on Fast-track Approvals Bill: threshold for decline and condition-setting	Provides further advice on the threshold for declining approvals and condition-setting under the Fast-track Approvals Bill.	Martyn Pinckard	Y/N	6 September
BRF-4063	Review of the Resource Management (Infringement Offences) Regulations 1999	Seeks direction regarding the partially completed review of the Resource Management (Infringement Offences) Regulations 1999.	Liz Moncrieff	Y/N	6 September
BRF-5240	Response to the Environment Committee's report on the Forest & Bird wetland petition	Seeks agreement to a draft Government response to the Environment Committee's report and recommendations on the	Hayden Johnston	Y/N	6 September

		2022 wetland petition from Forest & Bird.			
	s 9(2)(f)(iv)				
BRF-5180	Progressing resource management reform for historic heritage decisions	Provides information to progress resource management reform for historic heritage decisions for Phase 2, Bill 2, Tranche 3.	Liz Moncrieff	Y/N	10 September
		s 9(2)(f)(iv)			
BRF-5095	Proactive Release of fast-track briefings	Seeks approval to proactively release the second tranche of fast-track briefing notes.	Jo Gascoigne	Y/N	16 September
	s 9(2)(f)(iv)				
	s 9(2)(f)(iv)				
BRF-5152	Proactive release of briefing regarding Christchurch City Council's extension request for its Intensification Planning Instrument	For noting only.	Liz Moncrieff	Y/N	19 September

Cabinet Papers

As at 1pm, 4 September 2024

Tracking Number	Title	Description	Committee	Responsible General Manager	Date due to Minister's Office	Lodgement Date	Date of Committee Meeting	Date of Cabinet Meeting
CAB-460	Fast Track Approvals Bill - Amendment Papers (Policy and Workability)	Seeks Cabinet's agreement to authorise PCO to draft an Amendment Paper to the Fast-track Approvals Bill relating to policy and workability changes.	ECO	Jo Gascoigne	22 August	12 September	18 September	23 September
		s 9(2)(f)(iv)						
CAB-470	Fast-track Approvals Bill -Amendment Papers (Listed Projects)	Seeks Cabinet's agreement on projects to be listed in Schedule 2 of the Fast-track Approvals Bill.	ECO	Ilana Miller	12 September	19 September	25 September	30 September
		s 9(2)(f)(iv)						

		s 9(2)(f)(iv)						
CAB No. TBA	Fast Track Approvals Bill - LEG PAPERS	Seeks Cabinet's agreement to final changes to Fast Track Bill.	LEG	Jo Gascoigne	17 October	31 October	7 November	11 November
CAB-480	Resource Management Act Bill 2 LEG paper	Seeks Cabinet's agreement to introduce Resource Management Amendment Bill 2.	LEG	Liz Moncrieff	25 November	5 December	12 December	N/A

Official Information Act Requests for Minister Bishop

As at 1pm, 4 September 2024

Tracking Number	MO Tracking Number	Request	Correspondent	Organisation	Date due to Minister's Office	Date due to Requestor
OIAM-618	OIA24-CB229	What progress has been on repealing David Parker's 'te Mana o te Wai'? Is the Government removing three waters? What are the costs if councils are still progressing?	s 9(2)(a)	N/A	13 September	20 September
OIAM-620	OIA24-CB235	Fast track consenting names of applicants		Private Individual	19 September	26 September
OIAM-622	OIA24-CB237	Copies of Cabinet documents, and any underlying advice, analysis, and documentation, relating to the decision by Cabinet to agree to recommend changes to the Fast-track Approvals Bill to the Environment Committee as outlined here: https://news.fuseworksmedia.com/e33c2c48-f9fc-448a-9145-7a65d39a98d2		eli.org.nz	23 September	30 September

Ministerial Correspondence Update

As at 1pm, 4 September 2024

We are preparing responses to 32 pieces of correspondence on a wide range of topics including timeframes for the removal of class 3 soils from the National Policy Statement for Highly Productive Land (NPS-HPL), concerns about the NPS-HPL impacting subdivision and housing development, support for, and opposition to, projects being considered under the Fast-Track Approvals process, concerns about the decision-making processes and environmental impacts of the Fast-Track Approvals Bill, and requests for the list of Schedule 2 projects to be released.

Written Parliamentary Questions Update

As at 1pm, 4 September 2024

We are preparing responses to written parliamentary questions about advice received, and papers taken to Cabinet and Cabinet committees in August.

Key Dates

Upcoming Chief Executive and Deputy Secretary Acting Responsibilities

Staff member	First day of absence	Last day of absence	Acting arrangements
Anne Haira	9 September	4 October	Sara Clarke
Gina Rangi	9 September	16 September	Hakarangi Tichborne
Laura Dixon	6 September	20 September	Arun Patel