



# Resource Management Act Reform Weekly Update

## Whakanaketanga Whakarite Rawa Ahuarangi ā-Wiki

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For the week beginning 16 September 2024

Hon. Chris Bishop, Minister for Resource Management Act Reform

# Key Updates

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## RMA Amendment Bill 2

Share with US Court? Y

The majority of delegated decisions have now been made on the policy detail of RMA Amendment Bill 2 (RM Bill 2) and Parliamentary Counsel Office drafting is progressing.

Late last week (week of 9 September), you received advice (or further advice) on:

- better enabling councils to manage heritage (revised following your meeting with us on 9 September)
- freshwater farm plan amendments
- more efficient decision-making for non-complying activities
- the role of the Director General of MPI in RMA plans (in relation to the Fisheries Act interface).

Late in the week of 16 September, you will receive a briefing seeking the remaining delegated decisions for consenting. This paper will focus on consent duration and lapse period. On 10 September, we discussed your decisions on a one year processing timeframe for renewable energy and wood processing consents. In particular, on whether the exclusion for new hydro generation should also apply to geothermal energy generation, and an ability for affected tangata whenua to request for a time extension (initial advice in BRF-5124). This briefing will seek confirmation of your decisions in these areas.

We will continue to work with your office to ensure delegated decision-making Ministers reach an agreed position on the extension of certain coastal permits for port companies (BRF-5015 refers).

**Business Group:** Environmental Management and Adaptation

**Owner:** Rhedyn Law, 027 363 7945

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## Phase 2 engagement with post-settlement governance entities

Share with US Court? Y

We continue to offer to meet with post-settlement governance entities (PSGEs) and other Māori representative groups to inform them about RM Bill 2 and the national direction work programme. The current breadth of engagement required from PSGEs across government and PSGE capacity has contributed to relatively low uptake from groups. Feedback to date has been mixed. Some groups are happy to engage and be informed about the proposals being progressed; others have expressed concerns with the pace and scale of change and the tight timeframes for engagement. Some groups consider their views are not being heard or are having little impact on policy advice. We will continue to engage on RM Bill 2 and the national direction work programme as we approach the public consultation period.

There will also be a number of groups for whom we will need to work closely with, in order to meet existing settlement obligations – particularly with respect to changes to national direction. We are currently working through what process will be required to meet these obligations through the policy process.

**Business Group:** Environmental Management and Adaptation

**Owner:** Erin Cairns, 021 995 185

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s 9(2)(f)(iv)

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## Gene Technology Bill consultation

Share with US Court? Y

On 5 September 2024, Minister Collins received a briefing from the Ministry of Business, Innovation & Employment (MBIE) regarding additional proposed policy decisions for the Gene Technology Bill that are required prior to drafting of the Bill by the Parliamentary Counsel Office. These include changes to the Resource Management Act 1991 regarding preventing regional authorities from making decisions on genetically modified organisms.

MBIE have recommended to Minister Collins that she consult with you on these decisions. It is expected she will do so in due course. We have reviewed these proposals and have no concerns. We can provide you with further information on request.

s 9(2)(f)(iv)

**Would you like more information on these proposals?**

**Yes / No**

**Business Group:** Environmental Management and Adaptation

**Owner:** David Falconer, 027 243 3047

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## Targeted engagement on amendments to NPS-HPL

Share with US Court? Y

BRF-5144 contained advice on changes to the NPS-HPL. We are seeking your approval to undertake targeted engagement to support the development of the policy options. We are looking to engage with targeted stakeholders to test amendments proposed for:

s 9(2)(f)(iv)

In particular, we are looking to engage with: the Regional Council Network (members are from each of the 16 regional and unitary councils), the Local Government Practitioners Group (comprising planning managers from regional councils and territorial authorities). These groups have non-disclosure agreements in place.

Would you like us to proceed with these targeted engagements?

Yes / No

**Business Group:** Biodiversity and National Direction

**Owner:** Hayden Johnston, 0221530221

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## Engagement with Ngā Hapū o Ngāti Porou

Share with US Court? Y

The Office for Māori Crown Relations: Te Arawhiti is providing advice, to the Minister for Treaty of Waitangi Negotiations – Paul Goldsmith, on the potential implications of changes to the Marine and Coastal Area (Takutai Moana) Act 2011 on the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

One of the issues they are advising on is what engagement may be required with Ngā Hapū o Ngāti Porou if changes are made to their Act.

As part of that advice, they have noted to Minister Goldsmith that you have undertaken to uphold the Ngā Hapū o Ngāti Porou arrangements in the context of RM reform, and that MfE officials have recently sought to agree amendments to their Act with them in the context of Bill 1.

**Business Group:** Environmental Management and Adaptation

**Owner:** Clare Maihi, 021 417 676

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# 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. Advice on the referred recommendations being prepared.		
Extension request received	Christchurch City Council	Hearings complete. IHP has delivered its recommendation report to Council. Request for extension received 22 August 2024. Decision on extension request made.	20 December 2024 for parts of plan implementing policy 3 & 4 of NPS UD.	Yes
	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
	Christchurch City Council	Hearings complete. IHP recommendations delivered to Council. Council has deferred	12 December 2025 for implementing MDRS	Yes

Councils have substantial time to complete their ISPP		decision on non-policy 3 and 4 of NPS UD components of the plan change.		
	Tauranga City Council (Tauriko West)	Submissions closed.	31 December 2025	Yes
	Auckland	Hearings paused.	31 March 2026	Yes
<b>Councils that have completed their ISPPs</b>				
	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, 11 September 2024

Tracking Number	Title	Purpose	Responsible General Manager / Chief Advisor	Title Suitable for Proactive Release?	Date due to Minister
BRF-4969	Improving the environmental data system	Provides the next iteration of the improving environmental data work programme.	Jonathan Ryan	Y	Sent 5 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	Sent 9 September
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	N	Sent 11 September
[REDACTED]	s 9(2)(f)(iv) [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
BRF-5308	Further information on assessing non-complying activities	Provides further information on issues raised by stakeholders when considering non-complying activities in operative and proposed RMA plans	Liz Moncrieff	Y/N	13 September
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
[REDACTED]	s 9(2)(f)(iv) [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]	[REDACTED]	s 9(2)(f)(iv)	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
BRF-5331	Wetland definition and delineation	Provides further information regarding the letter from Greater Wellington Regional Council to Hon. Minister Simmonds on the delineation of wetlands.	Hayden Johnston	Y/N	19 September

s 9(2)(f)(iv)					
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# Cabinet Papers

As at 1pm, 11 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	11 September	12 September	18 September	23 September
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)								
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	LEG	Liz Moncrieff	25 November	28 November	5 December	12 December

		Resource Management Amendment Bill 2.						
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# Draft Cabinet Papers with the Ministry for Agency Consultation

Below is a list of draft Cabinet papers being prepared by other agencies, which we are being consulted on due to the subject matter's connection with the RM Reform portfolio as at 1pm, 11 September 2024

Date consultation request received	Draft title of paper	Subject of paper	Our comments	Responsible General Manager	Intended date to Cabinet Committee
s 9(2)(f)(iv)					
15 August 2024	Ngāti Tumutumu Settlement Approval introduction	Rāhiri Claims Bill: for Seeks approval to introduce the Ngāti Rāhiri Tumutumu Bill to the House of Representatives. The bill will give effect to aspects of the Ngāti Rāhiri Tumutumu Deed of Settlement to be signed by Ngāti Rāhiri Tumutumu and the Crown.	<ul style="list-style-type: none"> <li>We have no comments on the Cabinet paper.</li> </ul>	Hakarangi Tichborne	Anticipated to be late September (Ministerial consultation takes place up to 12 September 2024)

s 9(2)(f)(iv)

s 9(2)(f)(iv)

# Official Information Act Requests for Minister Bishop

As at 1pm, 11 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-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.		eli.org.nz	23 September	30 September
OIAM-630	OIA24-CB241	Advice received regarding papakāinga housing.		Private Individual	27 September	4 October

# Ministerial Correspondence Update

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**As at 1pm, 11 September 2024**

We are preparing responses to 23 pieces of correspondence on a wide range of topics including concerns about the National Policy Statement for Highly Productive Land impacting subdivision and housing development, concerns about buildings being included in heritage schedules and recommendations for reform of the Resource Management Act 1991 regarding heritage designations, recommendations for reform of the wider resource management system, and requests for timeframes for this work, and concerns about the Environmental impacts of, and the terminology included in, the Fast-Track Approvals Bill.

# Written Parliamentary Questions Update

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**As at 1pm, 11 September 2024**

We are preparing responses to written parliamentary questions about the baseline savings exercise and advice received, and papers taken to Cabinet and Cabinet committees in September.

# Key Dates

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## 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