



Resource Management Act Reform Weekly Update

Whakanaketanga Whakarite Rawa Ahuarangi ā-Wiki

For the week beginning 23 September 2024

Hon. Chris Bishop, Minister Responsible for Resource Management Act Reform

Key Updates

RMA Amendment Bill 2

On 20 September, your office received advice [BRF-5295 refers] on consent durations for renewable energy, certain long-lived infrastructure and wood processing facility consents, lapse periods for renewable energy consents, and some outstanding matters. The paper includes discussion about the scope of Cabinet agreement for RMA Amendment Bill 2 (RM Bill 2) and whether it covers the policy proposal to prescribe a minimum consent duration for wood processing facilities in the RMA.

This paper advises you on the impacts of expanding the scope of the consent duration policy to include wood processing facilities. There are increased risks with expanding the scope, as wood processing facilities have a different nature to renewable energy generation and certain long-lived infrastructure (including greater private rather than public interests). The operation of these facilities is also likely to result in a wider range of ongoing effects which could have an adverse impact on the environment (i.e. discharges of contaminants to land, water and air), when compared to renewable energy generation and certain long-lived infrastructure.

You have now received all planned delegated decisions briefings for RM Bill 2. Further advice may be required on:

- Freshwater farm plan amendments which may be required in October as part of Minister Hoggard and Minister McClay's broader review of freshwater farm plans
- policy matters which arise during Parliamentary Counsel Office drafting of the Bill.

We are continuing to have conversations to inform and test policy for RM Bill 2 with Māori groups, local government, and key stakeholders. This has included recent meetings with Te Tāwharau o Te Whakatōhea, Ngāti Wai, Ngāti Rangī, Pou Taiao and Taituarā.

Business Group: Environmental Management and Adaptation

Owner: Rhedyn Law, 027 363 7945

Proactive release of Listed Projects Schedule 2 applications and Advisory Group recommendations report

On 22 July, you agreed to proactively release application documentation relating to projects listed in Schedule 2 of the Fast-track Approvals Bill once Cabinet had made its policy decisions (BRF-5046 refers). Decisions are expected on 30 September. Cabinet papers are proactively released 30 days after decisions are taken.

We are planning to inform applicants (both listed and not listed) via email of Ministers' decisions before proactive release occurs. ^{s 9(2)(b)(ii)}

We are preparing application documents and have proceeded with caution, contacted applicants and redacted information they requested to be removed from their application documents for proactive release.

When undertaking proactive release, we do not have the protection of section 48 of the Official Information Act 1982 (OIA), which protects against civil liability if we release information under the OIA in good faith. ^s

9(2)
) (f)
(iv)

Please note if we receive an OIA request for applicant information, including that of unsuccessful applicants, then we are required to assess requests for release of information on a case-by-case basis. This would involve assessing whether OIA section 9 withholding grounds can apply including completing a public interest assessment.

We will work with your office on the precise timing and sequencing of when announcements will be made on listed projects ahead of any proactive release.

Business Group: Environmental Management and Adaptation

Owner: Ilana Miller, 022 054 0469

Our Air 2024 to be released on 9 October 2024

Under the Environmental Reporting Act 2015 (ERA) we, along with Stats NZ, are required to release environmental reports every six months focused on different environmental domains. *Our Air 2024* is the next report in the series to be published and is scheduled for an embargoed release on 8 October and public release on 9 October.

Our Air 2024 will continue the scaled-back format for environmental reports first signalled in *Our Air 2021*. The report provides valuable information while we progress the changes needed to improve the reporting system in line with recommendations from the PCE, including the reform of the ERA. This is an information-oriented release, with the focus on six updated air quality indicators that will be released to the public by Stats NZ on 26 September.

Ahead of the public release of the report we are preparing a pre-release briefing for Ministers which will provide further information about the release process and seek decisions on the support required ahead of the release.

Business Group: Evidence Data and Insights

Owner: Aaron Napier, 027 247 1893

Towards evidence-informed evaluation

We have previously informed you that a peer-reviewed technical report that we authored is intended to be published in the coming weeks, titled "*Towards evidence-informed policy evaluation: Exploring National Monitoring System Data to determine effectiveness of the National Policy Statement for Highly Productive Land.*"

We can confirm that it will be published on our website on 24 September. The following URL will be active on publication release: <https://environment.govt.nz/publications/towards-evidence-informed-policy-evaluation-exploring-national-monitoring-system-data-to-inform-effectiveness-of-the-national-policy-statement-for-highly-productive-land>.

Business Group: Science and Data Systems

Owner: Clare Barton, 027 3304659

Evidence-informed selection of ecological attributes

Having undergone a double-blind peer review process, an academic manuscript we authored, has been recently accepted for publication in the Australasian Journal of Environmental Management, titled "*Selecting ecological attributes for managing within environmental limits: an example of a robust science-policy process in Aotearoa New Zealand*".

The article is about the science and process used to identify attributes (or environmental indicators) focusing on soil, indigenous biodiversity, estuaries and coastal waters. It outlines an evidence-informed process and criteria developed (urgency and importance, suitability and feasibility) to select an initial suite of possible attributes. The catalyst for the work was related to the National Planning Framework, which was secondary legislation to the now repealed Natural Built and Environment Act. While the framework outlined in the academic manuscript can be adapted depending on the details of any future resource management system, it does not comment on this and focuses on an evidence-informed process for selecting ecological attributes.

The article requires final proofing prior to publication.

Would you like to be informed of the publication date once known and provided with a you with a copy of the publication when released?

Yes / No

Business Group: Science and Data Systems

Owner: Clare Barton, 027 3304659

RMA Statutory Notifications to the Minister for the Environment

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. Advice on the referred recommendations being prepared.		
Extension request received	Christchurch City Council	Hearings complete. IHP has delivered its recommendation report to Council. Decision on extension request made. On 18 September Council accepted IHP recommendations on City Centre zone and de-listing of heritage items.	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

Councils have substantial time to complete their ISPP	Christchurch City Council	Hearings complete. IHP recommendations delivered to Council. Council has deferred decision on non-policy 3 and 4 of NPS UD components of the plan change.	12 December 2025 for implementing MDRS	Yes
	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 recently sent to the Minister and due to the Minister in the following 3 weeks
As at 1pm, 18 September 2024

Tracking Number	Title	Purpose	Responsible General Manager / Chief Advisor	Title Suitable for Proactive Release?	Date due to Minister
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	Sent 18 September
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	Sent 19 September
BRF-5348	Managing Council's freshwater planning ahead of the replacement of the NPS-FM	Provides advice and options to ensure Council freshwater planning is managed efficiently between now and the replacement of NPS-FM.	Sara Clarke	Y/N	Sent 19 September
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
BRF-5295	Resource Management Act Amendment Bill 2 - Detailed Policy Decisions on consent certainty and other outstanding matters	Supports Ministers to make detailed policy decisions on RMA amendments to provide greater consent certainty for certain activities and other outstanding matters.	Liz Moncrieff	Y	20 September
		s 9(2)(f)(iv)			

		s 9(2)(f)(iv)			
		s 9(2)(f)(iv)			
BRF-5339	Meeting with Pou Taiao Leaders 1 October	Supports your discussion with Tukuroirangi Morgan, Justin Tipa and John Bishara on 1 October in Auckland.	Hakarangi Tichborne	Y/N	26 September
BRF-5329	Review of Te Ture Whaimana (Vision and Strategy for the Waikato River) Phase 3	Advises on Phase 3 of the Review of Te Ture Whaimana (Vision and Strategy for the Waikato River).	Hakarangi Tichborne	Y/N	27 September
		s 9(2)(f)(iv)			
		s 9(2)(f)(iv)			

Cabinet Papers

As at 1pm, 18 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)								
TBC	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.						
CAB-487	ND Phase 2 - Approval to consult	Seeks Cabinet's approval to consult on phase 2 ND policy proposals.	ECO	Jo Gascoigne	13 November	28 November	5 December	16 December
CAB-490	Joint paper on environmental data improvements	Improving environmental data (includes natural hazards and reporting under the Environmental Reporting Act 2015).	ECO	Katherine Wilson/ Jonathan Ryan	TBC	TBC	TBC	TBC

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, 18 September 2024

Date consultation request received	Draft title of paper	Subject of paper	Our comments	Responsible General Manager	Intended date to Cabinet Committee
[Redacted]	[Redacted]	s 9(2)(f)(iv) [Redacted]	[Redacted]	[Redacted]	[Redacted]

Official Information Act Requests for Minister Bishop

As at 1pm, 18 September 2024

Tracking Number	MO Tracking Number	Request	Correspondent	Organisation	Date due to Minister's Office	Date due to Requestor
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.	s 9(2)(a)	Environmental Law Initiative	23 September	30 September
OIAM-630	OIA24-CB241	Advice received regarding papakāinga housing.		Private Individual	27 September	4 October
OIAM-635	OIA24-CB242	All correspondence (including emails and text messages) held by the Minister or officials regarding a potential 2024 Ministerial Forum with Raukawa; All meeting notes, briefing papers, or other documents held by yourself or your officials which relate to a potential 2024 Ministerial Forum with Raukawa; and the details of any existing commitments, appointments, or engagements that you currently have for 20th September 2024, including the date on which these were confirmed.		Baden Vertongen Barristers and Solicitors	4 October	11 October

Ministerial Correspondence Update

As at 1pm, 18 September 2024

We are preparing responses to 34 pieces of correspondence on a wide range of topics including concerns about Auckland Council's Plan Change 78, WM (formerly Waste Management) New Zealand's consenting challenges in Auckland, recommendations for reform of the wider resource management system, and requests for information and timeframes for this work, queries about projects to be listed in the Fast-track Approvals Bill, and concerns about the wording and the environmental impacts of the Bill, and request for support for various resource consent applications.

Written Parliamentary Questions Update

As at 1pm, 18 September 2024

We are preparing responses to written parliamentary questions about listed projects under the Fast-track Approvals Bill, redundancy payments for the Minister's agencies, and advice received, and papers taken to Cabinet and Cabinet committees in September.

Key Dates

Upcoming Chief Executive and Deputy Secretary Acting Responsibilities

Staff member	First day of absence	Last day of absence	Acting arrangements
Laura Dixon	6 September	20 September	Arun Patel
Anne Haira	9 September	4 October	Sara Clarke
Martin Workman	30 September	30 September	TBC
James Palmer	30 September	4 October	Nadeine Dommissee
Laura Dixon	9 October	11 October	Pepi Batsos