



# Resource Management Act Reform Weekly Update

## Whakanaketanga Whakarite Rawa Ahuarangi ā-Wiki

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For the week beginning 30 September 2024

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

# Key Updates

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## Review of Te Ture Whaimana (Waikato River Vision and Strategy)

The statutory review of Te Ture Whaimana (the Waikato River Vision and Strategy) is underway. Under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Te Ture Whaimana is the primary direction setting document for the Waikato and Waipā Rivers, and must be reviewed every ten years. We expect there to be high political and community interest and engagement in the review. The review is undertaken by the Waikato River Authority (WRA).

The WRA has engaged consultants to deliver on the review, which is now in Phase 3 - defining the problem and opportunities. If the WRA decides revisions to Te Ture Whaimana are required, a revised draft will be developed, and the Ministers for the Environment, Conservation and Fisheries must be consulted. A public hearing would follow. At the end of the process, the WRA must make a recommendation to the five Waikato River iwi and the Crown who must agree whether to accept any revisions to Te Ture Whaimana. Any revisions must be consistent with the overarching purpose of the Waikato River Treaty settlement: to restore and protect the health and wellbeing of the Waikato River for future generations.

The WRA may write to you in coming weeks to seek advice on which other Ministers and departments should be consulted during the review. There is discretion for the WRA to seek wider input beyond the three Ministers named as having a statutory role. We will provide advice if/when this occurs.

The WRA will start engagement to raise awareness about the review in late September-October with councils, sector stakeholders and the community.

**Business Group:** Tūmatakōkiri

**Owner:** Hakarangi Tichborne, 027 2432 172

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## Response letter to National Iwi Chairs Forum

On 2 August, as is customary following the National Iwi Chairs Forum (NICF) quarterly meeting, the host chair (Marama Royal) sent a letter to the Prime Minister outlining recommendations and resolutions from the hui. Minister Potaka has requested lead agencies provide contributions relevant to their Pou to the Crown response letter. For Pou Taiao, NICF made statements relating to resource management reform and freshwater.

You are the lead Minister for Pou Taiao and we seek your approval to send the following text to Te Arawhiti to include in the response letter Minister Potaka will send to NICF:

### **“POU TAI AO**

*As your letter notes, I understand that the lead minister (Hon Chris Bishop) and Pou Taiao leaders have recently confirmed resource management reform and freshwater policy as areas of mutual priority.*

### **Resource Management Reform**

*I acknowledge the concerns you have raised regarding the Government's resource management reforms and note Minister Bishop's recent announcements on 20 September on replacing the Resource Management Act 1991. Reform of the resource management system is a significant priority for this Government to help boost the productivity of our economy whilst taking care of our natural resources. As previous amendments and reforms of the system demonstrate it is no easy task to develop a framework that will deliver on these outcomes. I welcome involvement by NICF and Pou Taiao to ensure the Crown's Treaty and Treaty settlement obligations are considered appropriately during this process.*

## Freshwater policy

*I acknowledge the important and ongoing discussions on freshwater and on rights and interests. I understand that discussions are underway between Minister Bishop and Pou Taiao on how we take this forward, supported by a process between officials and iwi technicians to develop a work programme. I support this approach."*

Are you comfortable with the above text being included in Hon Potaka's response to NICF?

Yes / No

**Business Group:** Tūmatakōkiri

**Owner:** Hakarangi Tichborne, 027 2432 172

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## RM Bill 1 (the Bill) – next steps

On 26 September, the Primary Production Committee deliberated on the final revision tracked (RT) version of the Bill and associated Commentary report ahead of reporting back to the House by 30 September.

The Bill is currently scheduled to have its second reading on 15 October. We're working with Minister McClay's office on material to support Minister McClay to take the Bill through the final stages (second reading and Committee of the Whole House) on your behalf.

We're also preparing material to support local government to implement the changes in the Bill over the coming months.

We'll continue to keep your office updated and support with any necessary communication material prior to the enactment of the Bill.

### Update on discussions with Ngā Hapū o Ngāti Porou

The Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 (NHNP Act) references sections of the RMA that the Bill is proposing to remove. We have spoken with NHNP who agreed on a proposed consequential amendment to the NHNP Act to clarify the relevant provision. We have advised the Committee and recommended it makes this consequential change through the Bill.

NHNP also sought an amendment to the RMA to clarify this obligation in the NHNP Act. As previously advised, we do not recommend making this change and we've advised the Committee accordingly. NHNP may write to you on this matter.

**Business Group:** Environmental Management and Adaptation

**Owner:** Hayden Johnston, 022 153 0221

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## Phase 2 – RMA Amendment Bill 2

You have received all delegated decisions briefings on the policy areas for inclusion in RMA Amendment Bill 2 (RM Bill 2). Ministerial decisions on the following briefings are outstanding and are required on Monday 30 September to inform RM Bill 2 drafting:

- consent duration for renewable energy, long lived infrastructure and wood processing facilities, lapse periods for renewable energy consents and other matters (BRF-5295)
- historic heritage management (BRF-5180).

Once we receive decisions on BRF-5295 and BRF-5180, we will send drafting instructions to the Parliamentary Counsel Office (PCO) as close as possible to their 30 September deadline for instructions on new policy.


You will shortly receive further advice led by the Ministry of Primary Industries (MPI) on the role of the Director General of MPI in RMA plans. The timing of this advice sits outside the 30 September PCO drafting instruction deadline. We will work with PCO on how drafting can be provided for if further instructions are needed.

We will continue to provide PCO with instructions to refine the drafting and ensure it correctly reflects the policy intent until mid-November.

**Business Group:** Environmental Management and Adaptation

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

s 9(2)(f)(iv)



## Update on Christchurch Intensification progress (Plan Change 14)

### Decisions on City Centre provisions and delisting heritage items

On 18 September, Christchurch City Council (the Council) decided to accept of all the Independent Hearing Panel's (IHP) recommendations on its intensification plan change, Plan Change 14 (PC14), in relation to parts of the City Centre Zone that are not linked to the Residential Chapter provisions, which are currently being redrafted.

Key recommendations accepted by the Council include enabling building heights and density to realise as much development capacity as possible in the City Centre Zone, thereby giving effect to Policy 3(a). Under the new building heights framework:

- Buildings with a height of less than 28m are a permitted activity, meaning that they do not require a resource consent;
- Buildings with a height of between 28m and 45m are a controlled activity, meaning that if a building meets specific design requirements, the Council cannot decline a resource consent; and
- Buildings with a height of more than 45m are a restricted discretionary activity, meaning that the Council can decline a resource consent, but only based on a specific set of criteria.

The Council also agreed to accept the IHP's recommendations to delist six heritage items. Your office received an email on 19 September regarding the specific buildings identified for delisting.

The Council intends to notify its decisions on these provisions by 26 September 2024, with the provisions becoming operative on 3 October 2024.

## Key milestones for PC14 through to 20 December 2024

The Council has provided a table of milestones, ahead of its 20 December deadline, for notifying decisions on those parts of PC14 subject to Policies 3 and 4 of the NPS-UD. The Council is continuing to work closely with the IHP to meet these milestones.

Key milestones include:

Milestone/task	Anticipated date
Provisions decided on 18 September become operative	3 October 2024
Redraft of Residential Chapter submitted to IHP for review	By 16 October 2024
IHP review of redrafted Residential Chapter completed	By 6 November 2024
<b>Council meeting</b> to decide on the balance of IHP's recommendations to give effect to Policies 3 and 4 of the NPS-UD	<b>2, 3 and 4 December 2024</b>
<b>Notification of Council's decisions</b>	<b>11 December</b>
Provisions giving effect to Policies 3 and 4 of the NPS-UD, decided on 2, 3 and 4 December, become operative	18 December 2024
<b>Deadline for the Council to notify decisions</b> on parts of PC14 subject to Policies 3 and 4 of the NPS-UD	<b>20 December 2024</b>

### Next steps

We will continue to update you on the Council's progress for making its decision on the balance of the IHP's recommendations to give effect to Policies 3 and 4 of the NPS-UD.

**Business Group:** Environmental Management and Adaptation

**Owner:** Linley Wilkinson, 022 493 0144

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# RMA Statutory Notifications to the Minister for the Environment

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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
<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 recently sent to the Minister and due to the Minister in the following 3 weeks  
As at 1pm, 25 September 2024

Tracking Number	Title	Purpose	Responsible General Manager / Chief Advisor	Title Suitable for Proactive Release?	Date due to Minister
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	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	N	Sent 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	Sent 20 September
[REDACTED]	[REDACTED]	s 9(2)(f)(iv) [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	s 9(2)(f)(iv) [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
BRF-5401	EEZ Act related provisions in the FTA Bill	Explores the consequences of retaining Treaty requirements of the EEZ Act at Schedule 9 of the FTA Bill.	Jo Gascoigne	Y/N	Sent 26 September
[REDACTED]	s 9(2)(f)(iv) [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

		s 9(2)(f)(iv)			
BRF-5339	Meeting with Pou Taiao Leaders 1 October	Supports discussion with Tukuroirangi Morgan, Justin Tipa and John Bishara on 1 October in Auckland.	Hakarangi Tichborne	Y/N	26 September
		s 9(2)(f)(iv)			
		s 9(2)(f)(iv)			
		s 9(2)(f)(iv)			
BRF-5338	Making it easier to build granny flats summary of submissions	Seeks agreement to publish the summary of submissions and outline the key themes raised in submissions and the changes sought. This briefing will outline the next steps for policy development.	Liz Moncrieff	Y/N	7 October
		s 9(2)(f)(iv)			
		s 9(2)(f)(iv)			
		s 9(2)(f)(iv)			

# Cabinet Papers

As at 1pm, 25 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-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
[REDACTED]	[REDACTED]	s 9(2)(f)(iv) [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
CAB-493	Fast-track Approvals Bill - Approval for Amendment Papers	Seeks Cabinet's agreement to final changes to Fast Track Bill.	LEG	Jo Gascoigne	29 October	31 October	7 November	11 November
[REDACTED]	[REDACTED]	s 9(2)(f)(iv) [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
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	28 November	5 December	12 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, 25 September 2024

Date consultation request received	Draft title of paper	Subject of paper	Our comments	Responsible General Manager	Intended date to Cabinet Committee
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s 9(2)(f)(iv)					
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# Official Information Act Requests for Minister Bishop

As at 1pm, 25 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-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

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**As at 1pm, 25 September 2024**

We are preparing responses to 32 pieces of correspondence on a wide range of topics including concerns about Auckland Council's Plan Change 78, recommendations for reform of the wider resource management system, recommendations to include tiny homes as part of granny flat reforms, concerns about subdivision and housing development on rural land, queries and concerns about projects to be listed in the Fast-track Approvals Bill, and requests for support for various resource consent applications.

# Written Parliamentary Questions Update

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**As at 1pm, 25 September 2024**

We are preparing responses to written parliamentary questions about resource management reform spend, 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
Martin Workman	30 September	30 September	N/A
Anne Haira	9 September	4 October	Sara Clarke
James Palmer	30 September	4 October	Nadeine Dommissie
Laura Dixon	9 October	11 October	Pepi Batsos