

Reference number:
CAB Min (09) 34/6A

Portfolio: Environment

On 21 September 2009, following reference from the Cabinet Economic Growth and Infrastructure Committee, Cabinet:

Coordination and alignment

1. **noted** that in April 2009, the Cabinet Strategy Committee:
 - 1.1 agreed that the primary objective of Phase Two of the resource management reforms is to achieve least cost delivery of good environmental outcomes;
 - 1.2 agreed to the elements of work that comprise the Phase Two of the resource management reforms;
 - 1.3 invited the Minister for the Environment to report to EGI in xxx 2009, with recommendations on the scope and timetable for the remaining elements of Phase Two of the resource management reform:
 - 1.3.1 infrastructure-related provisions, such as the role of designations and compensation under the Public Works Act 1981;
 - 1.3.2 current approaches to urban growth, including the relationship between land supply and housing affordability;
 - 1.3.3 resolving interface issues with other statutes, including the Building Act 2004, the Conservation Act 1987, the Forests Act 1949, the Forests Amendment Act 1993, and the Historic Places Act 1993;
 - 1.3.4 potential further amendments to the RMA to achieve the objectives set out in paragraph 2 above;
 - 1.3.5 consideration of the role that a Technical Advisory Group or Groups might play for Phase Two;
- [STR Min xxx]
2. **directed** the Ministry for the Environment to monitor and coordinate policy development across the Phase Two workstreams to ensure the outcomes are

consistent and will effectively promote achievement of the government's objective for the Phase Two reforms;

3. **agreed** that the top priorities for the Phase Two reforms are the Aquaculture, Environmental Protection Authority, Water and Infrastructure workstreams;
4. **noted** that officials will work across government to develop processes to ensure that each of the Phase Two workstreams will promote the efficient and improved participation of Maori in resource management processes;
5. **directed** the Ministry for the Environment to work with the Ministry of Justice, including the Office of Treaty Settlements, to ensure the Phase Two policy reforms align with the government's priority to settle all historical Treaty claims by 2014 and are not inconsistent with the review of the Foreshore and Seabed Act 2004;
6. **agreed** that the outcomes of the reviews of the Building Act, concessions under the Conservation Act, and of the Historic Places Act need to be aligned with the government's objectives for the Phase Two reform programme;

RMII-A – Aquaculture

7. **noted** that Aquaculture Ministers (the Minister for the Environment, Minister of Fisheries and Minister of Economic Development):

7.1 have appointed an Aquaculture Technical Advisory Group (TAG);

7.2 will set timeframes for consultation and policy development after considering the TAG's report, due to the complexity of the issues and the interrelationship between the RMII-A workstream and the review of the Foreshore and Seabed Act;

RMII-B – Interface with the Building Act

8. **directed** the Ministry for the Environment and the Department of Building and Housing to identify options for:

8.1 an effective single project consent process for simple buildings under the RMA and the Building Act;

8.2 improving consistency between the RMA, the Building Act and the Building Code;

8.3 improving public understanding of the differences between the RMA and the Building Act consent processes;

9. **noted** that the Department of Building and Housing in its review of the Building Act will identify:

9.1 options for allocating risk and liability in order to reduce local government processing delays and uncertainty;

9.2 different service delivery arrangements for the functions of building control authorities;

RMII-C – Interface with the Conservation Act

10. **noted** that the initial findings of the Department of Conservation concessions review are due to be reported to the Minister of Conservation in xxx 2009;
11. **invited** the Minister of Conservation and the Minister for the Environment to report to EGI on the progress of the concessions review by xxx 2010;

RMII-E – Environmental Protection Authority

12. **noted** that on xxx 2009, Cabinet agreed in principle to a preferred option for the development of an Environmental Protection Authority, [withheld].

RMII-F – Interface with the Forests Act

13. **noted** that the Ministry of Agriculture and Forestry will continue to work with the Department of Conservation to update their 1995 memorandum of understanding, to improve consistency between the departments' approaches to proposed provisions in local authority plans for sustainable forest management plans and permits;
14. **directed** the Ministry for the Environment and the Ministry of Agriculture and Forestry, in consultation with the Department of Conservation, to investigate non-legislative and legislative options for addressing issues arising from the interface between the RMA and the Forests Act;

RMII-G – Generic

15. **directed** the Ministry for the Environment to identify options for addressing generic process or technical problems with the RMA;

RMII-H – Interface with the Historic Places Act

16. **noted** that:

16.1 draft discussion document on policy proposals from the review of the Historic Places Act is expected to be submitted to Cabinet for approval for public consultation in xxx 2009;

16.2 a draft policy paper is expected to be submitted to Cabinet in xxx 2010;

RMII-I – Infrastructure

17. **directed** the Ministry for the Environment in consultation with the Ministry of Economic Development, the Ministry of Agriculture and Forestry, the Ministry of Transport, and the Treasury to:

17.1 identify options for improving RMA designation provisions;

17.2 identify options for improving central government direction on infrastructure proposals;

18. **directed** the Ministry for the Environment and Land Information New Zealand to:

18.1 identify options for compensation provisions under the RMA and the Public Works Act;

18.2 identify options for improving the interface between the RMA and the Public Works Act, and other Acts;

RMII-U – Urban planning

19. **noted** that the investigation of the Royal Commission on Auckland Governance's recommendation for integrated planning, including a spatial plan and infrastructure investment plan for the Auckland Council is included in the urban planning workstream [CAB Min xxx];

20. **noted** that the urban planning workstream has a focus on improving the link between housing affordability and land supply, integrated growth management and infrastructure development, and the quality of outcomes delivered by urban design and urban planning;

21. **directed**, with reference to paragraph 20 above, the Ministry for the Environment, together with the Ministry of Transport, the Ministry of Economic Development, the Department of Building and Housing, the Department of Internal Affairs, the Treasury, and other agencies as appropriate, to identify policy options to:

21.1 address the limitations of the RMA in urban environments where the effects based nature of the RMA does not effectively facilitate the long term achievement of efficient and integrated urban planning and urban design outcomes;

21.2 improve the tools and resources, used to promote quality urban planning and urban design outcomes in New Zealand's urban environments including reviewing the role of metropolitan urban limits and investigating the role of spatial plans;

21.3 integrate and align planning statutes and planning mechanisms (specifically the RMA, the Local Government Act and the Land Transport Management Act);

RMII-W – Water

22. **noted** that on xxx 2009, EGI agreed to the work programme for water [EGI Min xxx];

Terms of reference

23.

23.1 **noted** that in February 2009, Cabinet agreed that the regulatory review programme for 2009 include reviews relating to the Resource Management Act [CAB Min xxx];

23.2 **agreed** that the submission under EGI xxx constitutes the terms of reference for the Phase Two reform programme to xxx 2010 for the purposes of the regulatory review programme;

Next steps

24. **invited** the Minister for the Environment to report to the Cabinet Appointment and Honours Committee by xxx 2009 with proposed Terms of Reference and membership of Technical Advisory Groups for the urban planning and infrastructure workstreams;

25. **invited** the Minister for the Environment, in consultation with appropriate Ministers, to report to EGI by xxx 2010 on the progress of Phase Two,

seeking confirmation of policy areas in each of the workstreams where potential legislative amendments would be appropriate in the 2010 legislative programme;

26. **invited** the Minister for the Environment in the xxx report to EGI, referred to in paragraph 25 above, to note:

26.1 areas where amendments to the RMA and/or the Building Act, or other options such as National Standards, may be necessary to improve the interface between the RMA and the Building Act, reduce transaction costs and simplify processes;

26.2 areas where further intervention (including legislative amendments) might be necessary to complement the outcomes of the concessions review in order to improve the interface between the RMA and the Conservation Act;

26.3 any further non-legislative and legislative options to improve the interface between the RMA and the Forests Act;

26.4 any options (including legislative amendments) that might be necessary to complement the outcomes of the review of the Historic Places Act in order to:

26.4.1 improve the interface between the RMA and the Historic Places Act

26.4.2 promote the government's objectives for the Phase Two reforms;

27. **noted** that the Minister for the Environment intends to publicly release the submission under EGI xxx, subject to any necessary withholdings.

Secretary of the Cabinet

Reference: CAB 537; EGI Min (09) 20/5

Secretary's note: *This minute replaces EGI Min (09) 20/5. Cabinet amended paragraph 18.1.*