



Ministry for the
Environment
Manatū Mō Te Taiao

PROACTIVE RELEASE COVERSHEET

Minister	Hon Chris Bishop	Portfolio	Responsible for RMA Reform
Name of package	Proactive release of Cabinet papers - Updating RMA National Direction	Date to be published	30 July 2026

List of documents that have been proactively released

Date	Title	Author
7 April 2026	Updating RMA National Direction - Stock Exclusion Regulations and Electric Vehicle Charging amendments - Approval for submission to Executive Council 26-CAB-0466	Ministry for the Environment
2 April 2026	Cabinet Legislation Committee Minute LEG-26-MIN-0056	Ministry for the Environment
7 April 2026	MARKED UP Report of the Cabinet Legislation Committee Minute CAB-26-MIN-0113	Ministry for the Environment
18 Mar 2026	MARKED UP Ministerial consultation on draft legislation paper (Stock Exclusion Regulations and EV Charging amendments), and further decisions for EV Charging Amendments 26-BRF-00641	Ministry for the Environment

Information redacted **YES**

Any information redacted in this document is redacted in accordance with the Ministry for the Environment's policy on proactive release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Summary of reasons for redaction

- Section 9(2)(a) to protect natural persons' privacy
- Section 9(2)(f)(iv), to maintain the confidentiality of advice tendered by Ministers and officials

Section 9(2)(h), to maintain professional legal privilege.

In Confidence

Office of the Hon Chris Bishop, Minister Responsible for RMA Reform

Chair, Cabinet Legislation Committee

Updating RMA National Direction – Stock Exclusion Regulations and Electric Vehicle Charging amendments – Approval for submission to Executive Council

Proposal

1. This paper seeks Cabinet authorisation to submit the following amended Resource Management Act 1991 (RMA) national environmental standards and section 360 regulations to the Executive Council:
 - 1.1 targeted changes to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 for electric vehicle charging (NES-ETA EV charging),
 - 1.2 targeted changes to the Resource Management (Stock Exclusion) Regulations 2020 (Stock Exclusion Regulations).

Relation to government priorities

2. These amendments deliver on the Government's National-ACT coalition commitments by removing unnecessary regulatory barriers to infrastructure delivery. They enable faster and simpler consenting for EV charging infrastructure and directly support the Government's target of 10,000 public EV charging points by 2030.
3. The Stock Exclusion Regulations implement the Government's commitment to make stock exclusion rules more practical and proportionate. They reduce unnecessary compliance costs for farmers and the primary sector while retaining appropriate environmental protections and supporting wider reforms to improve the efficiency and performance of the resource management system.

Executive Summary

4. Cabinet agreed to develop and amend national direction under the Resource Management Act 1991 (RMA) [CAB-24-MIN-0246 refers] and commence public notification and statutory consultation on four packages¹ [ECO-25-MIN-0059 refers]. This is the biggest package of national direction instruments being updated at one time. It will have an immediate impact on the performance of the resource management system by removing planning barriers for infrastructure, development and primary sector activities and making consenting less complex and costly and will support transition to the new planning system.
5. Discussion documents for packages 1 and 2 (Infrastructure and Development, and Primary Sector) were released in May 2025, for eight weeks public consultation. On 18 December 2025, ten RMA national direction instruments were notified in the

¹ Package 1: Infrastructure and development, Package 2: Primary sector, Package 3: Freshwater, and Package 4: Going for Housing Growth.

Gazette following Cabinet approval on 15 December 2025 [CAB-25-MIN-0476 refers].

6. I have considered the submissions and recommendations reports² for these instruments and have made final policy decisions, in consultation with relevant portfolio Ministers, under the authority previously granted by Cabinet [CAB-25-MIN-0151 refers].
7. Officials have worked closely with the Parliamentary Counsel Office to draft the instruments. I now seek Cabinet authorisation to submit them to the Executive Council. I am satisfied that the statutory requirements in sections 44 and 46A of the Resource Management Act 1991 have been met to the extent required to seek that authorisation.
8. As there is no statutory process for amending section 360 regulations, the national environmental standards process has been followed to ensure transparency and consistency.
9. Subject to approval by the Executive Council, the instruments will be gazetted on 10 April 2026 and will come into force on 7 May 2026.
10. The Parliamentary Counsel Office is continuing to draft the remaining national direction instruments agreed by Cabinet. I expect to bring the next suite to Cabinet in early May 2026, with the balance to follow as soon as practicable.

Policy

All instruments

11. Progressing these instruments will deliver immediate improvements to the performance of the resource management system ahead of the transition to the new planning system. They remove barriers to delivery, enable faster consenting for EV charging infrastructure, and simplify primary sector activities under the RMA. The instruments are fit for purpose now and can be integrated into the new planning system and transitional consenting regime.
12. I have considered submissions and recommendations reports and have made final policy decisions to improve clarity, workability, and consistency. I discussed these changes with relevant portfolio Ministers consistent with the authority previously granted by Cabinet [CAB-24-MIN-0246 refers].

NES-ETA Electric Vehicle Charging amendments

13. The NES-ETA EV charging amendments establish a nationally consistent permitted activity framework for EV charging infrastructure. They reduce the need for resource consents by clearly managing location, scale, noise, traffic, and construction effects, enabling faster deployment of charging infrastructure across private, commercial, and transport corridor sites.
14. I am progressing the NES-ETA EV charging amendments ahead of changes to wider electricity network regulation amendments to realise these benefits as quickly as possible. The remaining changes to electricity network regulations are being drafted

² The submissions and recommendations reports were prepared to meet the requirements of section 46A(1)(c) of the RMA for national policy statements and national environmental standards.

by the Parliamentary Counsel Office and I intend to seek Cabinet authorisation to submit them to the Executive Council as soon as practicable.

Stock Exclusion Regulations amendments

15. The amendments to the Stock Exclusion Regulations remove unnecessary requirements to exclude non-intensively grazed beef cattle and deer from certain natural wetlands. The amendments will result in a more risk-based and proportionate approach, reducing compliance costs for farmers, while maintaining appropriate protections for threatened species.

Regulatory instruments

16. I seek Cabinet's agreement to the final instruments (subject of this paper).
17. The Resource Management (National Environmental Standards for Electricity Transmission and Electric Vehicle Charging Infrastructure Activities) Amendment Regulations 2026 (amendments to the National Environmental Standards for Electricity Transmission Activities 2009) (**Appendix 1**) create a nationally consistent rule framework that reduces the need for resource consents and supports faster rollout of EV charging infrastructure.
18. The Resource Management (Stock Exclusion) Amendment Regulations 2026 (**Appendix 2**) (targeted changes to the Stock Exclusion Regulations 2020) remove unnecessary requirements and reduce compliance costs for farmers while maintaining appropriate environmental protections.

Timing and 28-day rule

19. Subject to approval by the Executive Council, the instruments will be gazetted on 10 April 2026 and will come into force on 7 May 2026. In accordance with section 114 of the Legislation Act 2019 and Standing Order 325A, they will be presented to the House of Representatives within 20 working days of being made.

Compliance

20. The instruments comply with:
 - 20.1 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993
 - 20.2 the principles and guidelines set out in the Privacy Act 2020
 - 20.3 relevant international standards and obligations
 - 20.4 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.
21. I am satisfied that the consultation undertaken for these instruments met statutory requirements and provided appropriate opportunities for engagement with the public and iwi authorities. The requirements of sections 44 and 46A of the Resource Management Act 1991 have been met to the extent necessary to seek Cabinet authorisation.

22. As there is no statutory process under the RMA for amending section 360 regulations, I have applied the national environmental standards process to ensure transparency and consistency.
23. Public notification of all the remaining Phase 2 National Direction recommendations and decisions reports should proceed in May 2026.
24. I therefore recommend that Cabinet authorises submission of the instruments to the Executive Council.

Principles of the Treaty of Waitangi

25. Consultation and Treaty Impact Analyses prepared for each proposal have informed my policy decisions and the associated regulatory impact statements.
26. The Crown has ongoing commitments³ to iwi and hapū through deeds of settlement, settlement legislation, and other arrangements. These proposals do not alter Treaty settlement mechanisms or existing obligations on decision-makers, including statutory acknowledgements or post-settlement governance arrangements. I am satisfied that the amendments have a minor impact on Treaty Settlements, are consistent with Treaty settlement commitments, and do not materially affect how councils recognise and provide for Māori rights and interests. For example, any interaction with Te Ture Whaimana (Vision & Strategy) in the Waikato region will continue to be managed through the existing statutory framework. Overall, I do not expect the amendments to materially affect how councils give effect to cultural values in decision making.

Certification by Parliamentary Counsel

27. The Resource Management (National Environmental Standards for Electricity Transmission and Electric Vehicle Charging Infrastructure Activities) Amendment Regulations 2026 and the Resource Management (Stock Exclusion) Amendment Regulations 2026 have been drafted and certified by PCO as being in order for submission to Cabinet.

Impact Analysis

Regulatory Impact Statement

28. Two Regulatory Impact Statements (RIS) have been prepared to support these proposals and informed my final policy decisions. They have been updated to reflect submissions and subsequent information. The final RIS, including quality assurance statements, are attached as appendices 3 and 4.
29. The RIS for the NES-ENA EV charging amendments also assesses the impacts of wider amendments to the NES-ENA that I intend to submit to Cabinet later this year.
30. All RIS were independently reviewed by inter-agency quality assurance panels.

³ The commitments most relevant to the proposals are engagement obligations when developing and amending national direction, and direct obligations to take action (ie, recognising legal status of taonga) or obligations to actively involve Treaty partners in plan making or resource consents either through co-governance, decision making or consultation.

31. The RIS for the proposed Resource Management (National Environmental Standards for Electricity Network Activities) Regulations, including EV charging, received a quality assurance rating of “**partially meets**” (**Appendix 3**).
32. The RIS for the Resource Management (Stock Exclusion) Amendment Regulations 2026 received a quality assurance rating of “**meets**” (**Appendix 4**).

Climate Implications of Policy Assessment

33. The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this policy proposal, as the emissions impact is indirect. The national direction update programme as a whole will help reduce emissions by enabling renewable energy projects, expanding EV charging infrastructure, and improving oversight of forestry activities. However, it is difficult to anticipate the number of proposals that will come forward in the future to which the national direction will apply.

Publicity

34. The amended regulations will be publicised through notice to submitters, Government website updates, and letters to post-settlement governance entities.

Proactive release

35. I propose to proactively release the Cabinet paper in upcoming months with redactions in line with the Official Information Act 1982.

Consultation

36. Officials consulted local authorities, iwi, Government agencies and key stakeholders through the policy development stage. Public consultation on the proposals met the statutory requirements of section 46A(1) of the RMA.
37. The Ministry for the Environment has provided a draft of this paper to agencies who report to a Minister with either portfolio responsibilities⁴ or related responsibilities and considered feedback received.

Recommendations

The Minister Responsible for RMA Reform recommends that the Cabinet LEG Committee:

- 1 **note** that I am satisfied the statutory requirements under the Resource Management Act 1991 to recommend the making and amendment of national direction instruments have been met, including:
 - 1.1 notification of the proposals under section 46A(1) and (2)
 - 1.2 consideration of reports on submissions and recommendations for the proposals under section 46A(1)(c), 44(2)(a).

⁴ Agencies provided with a draft of this paper include the Department of Conservation, Ministry of Housing and Urban Development, Ministry of Business, Innovation and Employment, Department of Internal Affairs, Treasury, Ministry for Primary Industries, Ministry of Justice, Ministry for Culture and Heritage, Ministry of Transport, Ministry of Education, Health New Zealand, Te Puni Kōkiri, Department of Prime Minister and Cabinet, Ministry for Regulation, Parliamentary Counsel Office, Office for Māori Crown Relations - Te Arawhiti and Land Information New Zealand.

- 2 **note** that I have made final policy decisions to amend the proposals under section 44(2) of the Resource Management Act 1991, in consultation with relevant portfolio Ministers, under the authority previously granted by Cabinet [CAB-25-MIN-0151 refers]
- 3 **note** that the Parliamentary Counsel Office has certified the following regulations as being in order for submission to Cabinet.
- 3.1 *Resource Management (National Environmental Standards for Electricity Transmission and Electric Vehicle Charging Infrastructure Activities) Amendment Regulations 2026*
- 3.2 *Resource Management (Stock Exclusion) Amendment Regulations 2026.*
- 4 **authorise** submission of the following instruments to the Executive Council for recommendation to the Governor-General in Council for approval under section 43(1) of the Resource Management Act 1991 subject to Cabinet agreement:
- 4.1 *Resource Management (National Environmental Standards for Electricity Transmission and Electric Vehicle Charging Infrastructure Activities) Amendment Regulations 2026 (Appendix 1)*
- 4.2 *Resource Management (Stock Exclusion) Amendment Regulations 2026 (Appendix 2).*
- 5 **note** that the instruments listed in recommendation 4 give effect to the policy decisions referred to in recommendation 2 and are proposed to come into force on 7 May 2026.
- 6 **note** that the requirements of section 44 of the Resource Management Act 1991 to publicly notify the reports and recommendations made under section 46A(1)(c) should proceed in May 2026 following gazettal of the *Resource Management (National Environmental Standards for Electricity Transmission and Electric Vehicle Charging Infrastructure Activities) Amendment Regulations 2026*.
- 7 **note** that final proofing and formatting changes may be made prior to publishing the Cabinet package on Government websites, but there will be no material changes to the content of the Cabinet package.

Authorised for lodgement

Hon Chris Bishop

Minister Responsible for RMA Reform

Appendices

Appendix 1: Resource Management (National Environmental Standards for Electricity Transmission and Electric Vehicle Charging Infrastructure Activities) Amendment Regulations 2026

Appendix 2: Resource Management (Stock Exclusion) Amendment Regulations 2026

Appendix 3: Regulatory Impact Statement: National Environmental Standards for Electricity Network Activities (updating and expanding the NES-ETA 2009)

Appendix 4: Regulatory Impact Statement: Proposed amendments to Regulation 17 of the Stock Exclusion Regulations (2020)



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Updating RMA National Direction - Stock Exclusion Regulations and Electric Vehicle Charging Amendments: Approval for Submission to Executive Council

Portfolio **RMA Reform**

On 2 April 2026, the Cabinet Legislation Committee:

- 1 **noted** that the Minister Responsible for RMA Reform (the Minister) is satisfied the statutory requirements under the Resource Management Act 1991 to recommend the making and amendment of national direction instruments have been met, including:
 - 1.1 notification of the proposals under section 46A(1) and (2);
 - 1.2 consideration of reports on submissions and recommendations for the proposals under section 46A(1)(c), 44(2)(a);
- 2 **noted** that the Minister has made final policy decisions to amend the proposals under section 44(2) of the Resource Management Act 1991, in consultation with relevant portfolio Ministers, under the authority previously granted by Cabinet [ECO-25-MIN-0059];
- 3 **noted** that the Parliamentary Counsel Office has certified the following regulations as being in order for submission to Cabinet:
 - 3.1 Resource Management (National Environmental Standards for Electricity Transmission and Electric Vehicle Charging Infrastructure Activities) Amendment Regulations 2026 [PCO 28759/8.0];
 - 3.2 Resource Management (Stock Exclusion) Amendment Regulations 2026 [PCO 28760/8.0];
- 4 **authorised** submission of the regulations in paragraph 3 above to the Executive Council;
- 5 **noted** that the regulations in paragraph 3 above give effect to the policy decisions referred to in paragraph 2 and come into force on 7 May 2026;
- 6 **noted** that the requirements of section 44 of the Resource Management Act 1991 to publicly notify the reports and recommendations made under section 46A(1)(c) will proceed in May 2026 following gazettal of the regulations;

- 7 **noted** that final proofing and formatting changes may be made prior to publishing the Cabinet package on Government websites, but there will be no material changes to the content of the Cabinet package.

Vivien Meek
Committee Secretary

Present:

Hon David Seymour
Hon Chris Bishop (Chair)
Hon Louise Upston
Hon Judith Collins KC
Hon Tama Potaka
Hon Matt Doocey
Hon Simon Watts
Hon Chris Penk
Hon Nicole McKee
Hon Casey Costello
Hon James Meager
Stuart Smith MP
Jamie Arbuckle MP

Officials present from:

Officials Committee for LEG



Cabinet

Minute of Decision

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Report of the Cabinet Legislation Committee: Period Ended 3 April 2026

On 7 April 2026, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 3 April 2026:

Out of scope



LEG-26-MIN-0056	Updating RMA National Direction - Stock Exclusion Regulations and Electric Vehicle Charging Amendments: Approval for Submission to Executive Council Portfolio: RMA Reform	CONFIRMED
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Out of scope



Out of scope



Rachel Hayward
Secretary of the Cabinet



BRIEFING

RMA national direction – Ministerial consultation on draft legislation paper (Stock Exclusion Regulations and Electricity Vehicle Charging amendments), and further decisions for Electric Vehicle Charging Amendments

Date:	18 March 2026	Priority:	Urgent
Security classification:	IN-CONFIDENCE	Tracking number:	26-BRF-00641

Action sought		
Name and position	Action sought	Response by
Hon Chris Bishop Minister Responsible for RMA Reform	Approve the attached briefing Agree to amend draft Reg 44(2)(a)(iii) and (iv) of the EV charging NES	18 March 2026

Action for Minister's Office staff

Note any changes to the draft Cabinet legislation paper
and/or

Circulate the attached draft Cabinet legislation paper for Ministerial comment.

Return the signed briefing to the Ministry for the Environment (ema.pct@mfe.govt.nz and advice@mfe.govt.nz).

Appendices and attachments

Appendix 1: Draft 'Updating RMA national direction - Stock Exclusion Regulations and Electricity Vehicle Charging amendments – Approval for submission to Executive Council' legislation paper (26-CAB-0466)

Appendix 2: Draft 3 Resource Management (National Environmental Standards for Electricity Transmission and Electric Vehicle Charging Infrastructure Activities) Amendment Regulations 2026 (amendments to the National Environmental Standards for Electricity Transmission Activities 2009)

Contact for telephone discussion (if required)

Name	Position	Telephone	1st contact
Kate Sedgley	Manager	022 076 4508	✓
Harriet Cruden	Author		

The following departments/agencies have been consulted

Ministry of Business, Innovation and Employment

Minister's office to complete:

- | | | |
|--|---|------------------------------------|
| ☐ Noted | ☐ Approved | ☐ Declined |
| ☐ Overtaken by Events | ☐ Needs change | ☐ Seen |
| | ☐ See Minister's Notes | ☐ Withdrawn |

Minister's Comments



BRIEFING

RMA national direction – Ministerial consultation on draft legislation paper (Stock Exclusion Regulations and Electricity Vehicle Charging amendments), and further decisions for Electric Vehicle Charging Amendments

Date:	18 March 2026	Priority:	Urgent
Security classification:	IN-CONFIDENCE	Tracking number:	26-BRF-00641

Purpose

1. This briefing seeks your agreement to circulate the draft '*Updating RMA national direction - Stock Exclusion Regulations and Electricity Vehicle Charging amendments – Approval for submission to Executive Council*' legislation paper [26-CAB-0466] (legislation paper) for ministerial consultation.
2. It also outlines an option for changing the draft *Resource Management (National Environmental Standards for Electricity Transmission and Electric Vehicle Charging Infrastructure Activities) Amendment Regulations 2026 (amendments to the National Environmental Standards for Electricity Transmission Activities 2009)* (EV charging amendments) (draft 3, Appendix 2) before you undertake Ministerial consultation, to limit the scope of matters that can be considered when consenting EV charging structures that breach permitted activity conditions.

Key points

3. You have made final policy decisions on amendments to the Stock Exclusion Regulations and the National Environmental Standards for Electricity Transmission Activities including to enable electric vehicle charging. These decisions are being drafted by the Parliamentary Counsel Office into secondary legislation for Cabinet consideration.
4. The draft legislation paper (appendix 1) progresses targeted amendments to these two Resource Management Act 1991 (RMA) national direction instruments.
5. The proposed Stock Exclusion Regulations amendment reduces farmers compliance costs by removing requirements to exclude non-intensively grazed beef cattle or deer from certain wetlands.
6. The National Environmental Standards for Electricity Transmission Activities 2009 (NES-ETA) amendments enable electric vehicle charging infrastructure by permitting a range of charging activities without resource consent, supporting emissions reduction objectives.
7. The electric vehicle charging provisions of the NES-ETA (EV charging amendments) have been brought forward ahead of the wider NES-ETA amendments to deliver benefits sooner, with remaining changes to be progressed through a subsequent Cabinet paper.

8. As we prepared different versions of the draft EV charging amendments, we reviewed the proposed text alongside the Planning Bill as introduced and the transitioning Resource Management Act (RMA) National Direction into the new planning system. Officials have identified an opportunity to make this transition easier by removing inconsistent terms in rules, while still enabling potential adverse environmental effects to be considered.
9. One of the cornerstones of the RM Phase 2 National Direction project, was that the work be undertaken on a “no regrets” basis, with the intent that it be easily transitioned into the new system.
10. Under the Planning Bill 2025, proposed Clause 14(1)(e) requires disregarding of “the visual amenity of a use, development, or building in relation to its character, appearance, aesthetic qualities, or other physical feature.” Instead, the new planning system is proposed to focus on ensuring that land use does not unreasonably affect others, including by separating incompatible land uses.
11. With the intent of enabling an easier transition of the EV charging amendments to the new system, we recommend revising draft clause 44 (draft 3, Appendix 2) to remove express consideration of the effects on the amenity and character of adjacent properties and the environment, and the design and appearance of structures from any consents for electric vehicle charging.
12. Most Electric Vehicle Charging Infrastructure (EVCI) will be permitted under the amended NES-ETA. Restricted Discretionary consent would be needed however if existing parking space is not permitted and/or the permitted conditions for height (3m), location, noise, or earthworks are not met. This should be rare.
13. It is also recommended to add “proposed” to clause 44(2)(c) to ensure the measures considered by the Council to avoid, remedy or mitigate adverse effects, are limited to those proposed by the applicant.
14. Modifications to clause 44 of the EV charging amendments could be made by removing the matters of discretion in regulation 44(2)(a)(iii) and (iv) (draft 3 Appendix 2).
 - (iii) the effects on the amenity and character of adjacent properties and the environment; and*
 - (iv) the design and appearance of buildings and structures;*
15. The proposal for EV charging amendments to the NES-ETA as notified (26 May 2025) received submissions supporting these terms, so removing them without consultation on the proposed change carries minor risk of judicial review. However, because the restricted discretionary rule is likely to be used infrequently and its effects are localised, that risk is considered low.
16. To remove 44(2)(a)(iii) and (iv) from drafting, you will need to amend your policy decision [26-BRF 6930 refers] so updated instructions can be sent to the Parliamentary Counsel Office (PCO). If you agree, and subject to PCO drafting being completed, Ministerial consultation could proceed from Thursday 19 March 2026 ahead of for LEG Committee consideration on 2 April 2026.

Recommended action

The Ministry for the Environment recommends that you:

- | | |
|---|------------------|
| 1. Agree to approve the draft 'Updating RMA national direction - Stock Exclusion Regulations and Electric Vehicle Charging amendments – Approval for submission to Executive Council' legislation paper [26-CAB-0466] for ministerial consultation. | Agree / Disagree |
| 2. Forward the draft legislation paper to your Ministerial colleagues for consultation. | Agree / Disagree |
| 3. Note that to achieve 7 April 2026 Cabinet, Ministerial consultation occur needs to commence on or before 19 March 2026 (CO (24) 2). Agency consultation will occur in parallel | Noted |
| 4. Agree to change the proposal to amend the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 to remove consideration of the effects on the amenity and character of adjacent properties and the environment for electric vehicle charging noted in the drafting for Regulation 44(2)(a)(iii) and (iv) in Appendix 2. | Agree / Disagree |

5. **Rescind your policy decision 131** in 26-BRF-6930 on electric vehicle charging matters of discretion and replace it with “Retain the proposal to introduce a restricted discretionary activity rule when permitted activity standards are not complied. The matters of discretion should be limited to (to the extent they relate to the breach of the relevant condition):
- a) the effects on the safe and efficient operation of transport networks, and
 - b) the effects of the operation of the activity, including noise,
 - c) the extent to which a non-compliance is due to evolving technology; and
 - d) the proposed measure to avoid, mitigate or remedy any adverse effects.

Agree / Disagree

6. **Note** if you agree to Recommendation 1, we will direct PCO to progress with the proposed amendment to the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 for electric vehicle charging, with the intent of providing a new version to your office by 19 March, to support Ministerial consultation, with the aim of lodging the paper with this amended Regulation with LEG on 26 March 2026.

Noted



Kate Sedgley
Manager – RM Policy National Direction
Ministry for the Environment

Hon Chris Bishop
Minister Responsible for RMA Reform

17 / 03 / 2026

___ / ___ / 2026

Background

The national direction instruments have been drafted following your final policy decisions made under the power to act from Cabinet

1. In late 2025 you made final policy decisions to amend the Resource Management (Stock Exclusion) Regulations 2020 and the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NES-ETA) to enable electric vehicle charging infrastructure [BRF-6930 and BRF-6875 refers]. These decisions were made under the Cabinet delegated power to act, in consultation with relevant portfolio Ministers [CAB-25-MIN-0151 refers].
2. As there is no statutory process for amending the Stock Exclusion Regulations, officials have followed the RMA national environmental standards process to ensure transparency.
3. The Stock Exclusion Regulations and the EV charging amendments to the NES-ETA are continuing to be drafted by Parliamentary Counsel Office and the latest drafts are attached to Appendix 1 of the draft Cabinet paper.
4. The Stock Exclusion Regulation amendment will provide an immediate benefit to the primary sector by reducing compliance costs to some farmers by removing requirements to exclude non-intensively grazed beef cattle or deer from certain wetlands, while maintaining environmental protections.
5. This paper also progresses an initial amendment as the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 for electric vehicle charging, (EV Charging amendments) to enable a range of electric vehicle charging activities without the need for a resource consent. This supports emissions reduction objectives.
6. The electric vehicle charging provisions are being progressed ahead of the wider electricity network activities amendments to deliver benefits sooner. Remaining changes will be progressed through a subsequent Cabinet paper.
7. These amended instruments have been drafted by the Parliamentary Counsel Office (PCO) and are ready for ministerial consultation. We propose doing ministerial and agency consultation in parallel to enable Cab consideration on 7 April 2026. The draft Cabinet paper has holding text for agency comment. We do not anticipate any significant comment at this stage in the process.
8. The Regulatory Impact Statements for both the Stock Exclusion Regulations, and the full suite of amendments to the NES-ETA are attached to your draft Cabinet Paper. PCO will provide the remainder of attachments to the Cabinet Office.

Opportunity for EV drafting amendment

9. The public consultation package on proposed amendments to NES-ETA regulations in May to July 2025 sought feedback on an enabling proposal to introduce permitted activity (PA) standards for EV charging infrastructure (EVCI) under specified circumstances and in specified locations, including:
 - private charging at home or at work
 - public charging in land transport corridors
 - public charging as an ancillary activity
 - public charging at standalone facilities.
10. The intent was for EVCI with no or minor adverse effects to be permitted and not require a resource consent.
11. A Restricted Discretionary Activity (RDA) pathway was also proposed for cases where permitted activity standards are not met. The matters of discretion would cover any significant environmental effects that could reasonably be anticipated. Submissions did not object to these matters, and some supported them.
12. Since you notified your proposal, the Planning Bill 2025 has been introduced. Clause 14(1)(e) of the Bill requires disregarding of “the visual amenity of a use, development, or building in relation to its character, appearance, aesthetic qualities, or other physical feature.” Instead, it is intended that the new planning system will focus on ensuring that land use does not unreasonably affect others, including by separating incompatible land uses.
13. A cornerstone of the RM Phase 2 National Direction project was to do the work on a “no regrets” basis, so it can transition easily into the new system. As we prepared different versions of the draft EV Charging amendments, officials identified an opportunity to make the transition to the new planning system easier by removing inconsistent terms in rules, while still enabling potential adverse environmental effects to be considered.
14. We propose reviewing draft clause 44 (draft 3, Appendix 2) because the current wording on amenity and environmental effects may not transition well into the new system.
15. The limited situations where EVCI could require a consent include:
16. activities in the Transport Corridor only if the vehicle parking space is not permitted or consented
17. activities ancillary to a primary activity only if:
18. the vehicle parking space is not permitted or consent
19. structures are over 3 m high and are either within 1 m of the front boundary or within 3 m of a residential boundary
20. noise standards are exceeded
21. earthwork standards are not met
 - i. standalone EVCI where permitted activity conditions for zones, height, location, noise, earthworks, or vehicle movements are exceeded.

22. Where these Permitted conditions are not met, RDA Consent will be required. This is where Council's discretion on approving or declining a consent, is limited to the matters identified in the Restricted Discretionary rule.

EV charging amendments - Matters of discretion relating to amenity, character, and design – draft clause 44(2)(a) (iii) (iv) and (c) (version 3)

23. For EVCI that require RDA consent, we recommend removing the bulk and location matters that may not transfer well to the new system (Reg 44(2)(a)(iii) and (iv) in draft 3, Appendix 2). Instead, the matters of discretion should focus on the proposed measures to avoid, mitigate, or remedy adverse environmental effects.
24. There is a risk that Regulation 44(c) in draft 3, Appendix 2 ("the proposed measures to avoid, mitigate or remedy any adverse environmental effects") could be used to raise amenity matters. However, because the rule is expected to be used infrequently, this risk is considered to be low.
25. In addition, this amendment to Regulation 44(c) adding "proposed" clarifies how the regulation should be applied. This amendment benefits the applicant (EVCI developer) by ensuring any mitigation is properly considered in decision-making. It also helps the Council and applicant agree on appropriate measures to avoid, remedy or mitigate any adverse environmental effects.
26. Because very few applications will need RDA consent, and those that do will be unusual, decision-making should focus on how the applicant will avoid, remedy, or mitigate effects.

9(2)
(h)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9(2)
(h)

[REDACTED]

[REDACTED]

[REDACTED]

29. If you agree to amend the EV drafting (draft 3, Appendix 2), officials will instruct PCO to supersede Appendix 2 (draft 3 EV Charging NES) with draft 4. In that case, we hope to provide the version 4 to your office, for inclusion in your draft cab paper for Ministerial consultation.

9(2)(h)

[REDACTED]

[REDACTED]

9(2)(h)

[REDACTED]

9(2)
(h)

[REDACTED]

Draft Legislation Paper package

32. The draft '*Updating RMA national direction - Stock Exclusion Regulations and Electricity Vehicle Charging amendments – Approval for submission to Executive Council*' legislation paper (Appendix 1) contains the following information required to be considered by the Executive Council and Governor-General:
 - a. Final draft amended instruments
 - b. Regulatory impact statements (RIS) for the proposed amended instruments.
33. The Stock Exclusion Regulations and the EV charging amendments to the NES-ENA are continuing to be drafted by PCO and the latest drafts are attached to the draft Cabinet paper in Appendix 1.
34. Final versions will be provided to the Cabinet Office by PCO by 26 March 2026 for inclusion in your LEG paper.

Te Tiriti analysis

Impact of proposals on Māori rights and interests and Treaty settlements

35. Treaty Impact Analyses (TIA) have informed policy advice, regulatory impact statements and your final policy decisions.
36. Amendments to the national direction instruments do not change existing statutory obligations on decisionmakers to recognise and provide for Māori rights and interests under Part 2 of the Resource Management Act 1991 (RMA)¹.

37. There are no Treaty settlements that relate to section 360 regulations, including the Stock Exclusion Regulations. The amendments are not expected to have material impacts on Treaty settlements or post settlement governance arrangements.
38. National environmental standards do not override requirements to recognise Māori rights and interests. For example, for the EV charging amendments, any interaction with Te Ture Whaimana in the Waikato region will continue to be managed through the existing statutory hierarchy, where more stringent regional or district provisions prevail.
39. Overall, the amendments are not expected to materially change how councils consider Māori cultural values in planning or consenting decisions.

Other considerations

Consultation and engagement

40. The Ministry for the Environment led preparation of the draft legislation paper and proposed amendments. Agency and Ministerial consultation will occur in parallel on the draft cabinet paper and instruments from Thursday 19 March, subject to your agreement. Final instruments will be lodged with the Cabinet Office by the PCO.

Notification

41. Section 44(1)(b) of the RMA requires public notification of submissions and recommendations reports for national environmental standards before the associated instruments are recommended to the Governor-General.
42. The submissions and recommendations report for the electricity network activity standards was prepared as part of the wider ¹ to the NES ETA.
43. Because Cabinet consideration of the electric vehicle charging amendments has been brought forward ahead of the rest of the NES-ETA amendments, a separate report for those provisions alone cannot be prepared. You will receive a further briefing (26-BRF-00416) on 23 April 2026 seeking your approval to publicly notify your recommendations and decisions for the remaining RMA Phase 2 national direction instruments.

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45. Once approved by Executive Council, the instruments will be gazetted, and the Ministry will notify submitters, Councils, and our Post Settlement Governance Entity partners. The associated submissions and recommendations reports will be notified following Cabinet approval, but prior to Executive Council approval.

¹ Package 2 - Discussion document. Have your say on proposed changes to national direction. Primary sector

Financial, regulatory and legislative implications

46. This paper is part of a process that will result in changes to existing secondary legislation including new provisions. Agencies are expected to meet costs of implementing RMA national direction, along with the wider RMA reform work programme from within baselines.

Next steps

47. Subject to your agreement, agency and ministerial consultation will occur on your draft legislation paper simultaneously between **19-25 March 2026**.
48. The Cabinet paper (Appendix 1) will be lodged with the Cabinet Office on **26 March 2026** and considered by the LEG Committee on **2 April 2026** followed by Cabinet on **7 April 2026**. PCO will lodge final instruments with the Cabinet Office on 26 March.
49. Subject to Cabinet decisions, the amended instruments are expected to be gazetted on **9 April 2026** with legal effect from **7 May 2026**.
50. A further briefing (BRF-00416) will be provided on **23 April 2026** seeking your authorisation to publicly release the recommendations and decisions reports.
51. Subject to your decisions on the recommended amendments to the NES-ETA for EV charging, we will:
- a. send updated drafting instructions to the Parliamentary Counsel Office (PCO), with the intent a new version will be provided to your office by 19 March 2026 to support Ministerial Consultation
 - b. update your Cabinet Paper with any requested changes before Ministerial consultation commencing on Thursday 19 March, ahead of LEG Committee consideration on 2 April 2026.

Appendices

Appendix 1: Draft *'Updating RMA national direction - Stock Exclusion Regulations and Electricity Vehicle Charging amendments – Approval for submission to Executive Council'* legislation paper (26-CAB-0466)

Appendix 2: Draft 3- Resource Management (National Environmental Standards for Electricity Transmission and Electric Vehicle Charging Infrastructure Activities) Amendment Regulations 2026 (amendments to the National Environmental Standards for Electricity Transmission Activities 2009)

Appendix 1: Draft 'Updating RMA national direction - Stock Exclusion Regulations and Electricity Vehicle Charging amendments – Approval for submission to Executive Council' legislation paper (26-CAB-0466)

Appendix 2: Draft 3 Resource Management (National Environmental Standards for Electricity Transmission and Electric Vehicle Charging Infrastructure Activities) Amendment Regulations 2026 (amendments to the National Environmental Standards for Electricity Transmission Activities 2009)
