



PROACTIVE RELEASE COVERSHEET

Minister	Hon Chris Bishop	Portfolio	RMA Reform
Title of Cabinet paper	Work Programme for Reforming the Resource Management System	Date to be published	22 March 2024

List of documents that have been proactively released

Date	Title	Author
11 March 2024	Cabinet Minute of Decision – Report of the Cabinet Economic Policy Committee: Period Ended 8 March 2024 (CAB-24-Min-0069)	Cabinet Office
6 March 2024	Cabinet Economic Policy Committee Minute of Decision – Work Programme for Reforming the Resource Management System	Cabinet Office
6 March 2024	Cabinet Paper – Work Programme for Reforming the Resource Management System	Office of the Minister for Resource Management Act Reform

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)(f)(iv) – maintain the constitutional convention protecting the confidentiality of advice tendered by Ministers and officials

Section 9(2)(h) – maintain legal professional privilege



Cabinet

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.

Report of the Cabinet Economic Policy Committee: Period Ended 8 March 2024

On 11 March 2024, Cabinet made the following decisions on the work of the Cabinet Economic Policy Committee for the period ended 8 March 2024:

ECO-24-MIN-0016	Residential Tenancies Act 1986 Amendments: Pet Bonds and Other Pet Related Matters Portfolio: Housing	Separate minute: CAB-24-MIN-0069.01
ECO-24-MIN-0017	Residential Tenancies Act 1986 Amendments: Termination of Tenancy and Other Provisions Portfolio: Housing	CONFIRMED
ECO-24-MIN-0020	Unit Titles (Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022: Proposed Regulations Portfolio: Housing	CONFIRMED
ECO-24-MIN-0022	Work Programme for Reforming the Resource Management System Portfolio: RMA Reform	CONFIRMED
ECO-24-MIN-0023	Delivering on Coalition Agreement Commitments on Local Government Representation Portfolio: Local Government	<i>[Referred to ECO on 20 March 2024]</i>
ECO-24-MIN-0015	Digital Identity Services Trust Framework Act 2023: Approval to Develop Regulations Portfolio: Digitising Government	CONFIRMED
ECO-24-MIN-0018	Online Casino Gaming Duty and Regulation Portfolios: Finance / Revenue	Separate minute: CAB-24-MIN-0072
ECO-24-MIN-0019	Making it Easier to Build Portfolio: Building and Construction	CONFIRMED

ECO-24-MIN-0021 **Proposed Cessation of New Significant Natural Areas and Review of their Operation** CONFIRMED
Portfolio: Associate Environment

Rachel Hayward
Secretary of the Cabinet



Cabinet Economic Policy Committee

Minute of Decision

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Work Programme for Reforming the Resource Management System

Portfolio **RMA Reform**

On 6 March 2024, the Cabinet Economic Policy Committee (ECO):

- 1 **noted** that the Minister Responsible for RMA Reform (the Minister) is taking a phased approach to reform the resource management system in New Zealand [CAB-23-MIN-0473]:
 - 1.1 phase one: repeal the Natural and Built Environment Act (NBA) and Spatial Planning Act (SPA) (now complete);
 - 1.2 phase two: introduce a fast-track consenting regime within the first 100 days, make targeted legislative changes to the Resource Management Act 1991 (RMA) in 2024, develop new, or amend existing, national direction under the RMA, and implement the Going for Housing Growth work package;
 - 1.3 phase three: replace the RMA with new resource management legislation based on the enjoyment of property rights, while ensuring good environmental outcomes;
- 2 **noted** that delivering the above work programme across phases two and three will require a sequenced approach to manage available resources, ensure system changes are orderly, and minimise uncertainty and disruption for councils and system users;
- 3 **agreed** that the work programme will be guided by the following objectives:
 - 3.1 making it easier to get things done by:
 - 3.1.1 unlocking development capacity for housing and business growth;
 - 3.1.2 enabling delivery of high-quality infrastructure for the future, including doubling renewable energy;
 - 3.1.3 enabling primary sector growth and development (including aquaculture, forestry, pastoral, horticulture, and mining);
 - 3.2 while also:
 - 3.2.1 safeguarding the environment and human health;
 - 3.2.2 adapting to the effects of climate change and reducing the risks from natural hazards;

3.2.3 improving regulatory quality in the resource management system;

3.2.4 upholding Treaty of Waitangi settlements and other related arrangements;

4 **agreed** that the work programme for reforming the resource management system includes the following components:

Phase two

4.1 developing fast-track one-stop-shop consenting legislation (already underway);

4.2 making targeted amendments to the RMA via two amendment bills to streamline and simplify its operation;

4.3 developing or amending RMA national direction to unlock development and investment in infrastructure and primary industries while achieving good environmental outcomes;

Phase three

4.4 developing proposals for legislation to replace the RMA that has the enjoyment of property rights as a guiding principle;

5 **invited** the relevant Ministers to submit papers to ECO as soon as practicable on ‘quick win’ amendments that could be made to the resource management system in the following areas:

5.1 the Minister of Agriculture on sloped land;

5.2 the Minister of Transport on port consent extensions;

6 **noted** that work in Phase two on amending or developing national direction that is not addressed through RMA amendments, and excluding work on energy infrastructure, is intended to be combined as much as possible into a single process for engagement and decision making;

7 **noted** that the Minister intends to report back to ECO on the approach and timeframes for progressing the development of the national direction referred to in paragraph 6;

8 **noted** that the Minister will write to Ministers, and intends to write to key stakeholders, seeking suggestions for targeted changes to the RMA to include in the second RMA amendment bill;

9 **noted** that the final scope of work under phase two is still to be finalised and responsible portfolio Ministers will seek further Cabinet decisions as necessary to progress each area of work;

10 S9(2)(f)(iv)

11 **agreed** to establish an Expert Ministerial Advisory Group (EMAG) to support the development of proposals for replacing the RMA;

12 **noted** that the Minister intends to submit a paper to the Cabinet Appointments and Honours Committee in April 2024 with further detail on the role of the EMAG and its proposed terms of reference and membership;

- 13 **noted** that the Minister intends to report back to ECO with draft proposals for replacing the RMA in early 2025;
- 14 **noted** that the Minister intends to develop and pass RMA replacement legislation by the end of 2025, but the timing of this process will depend on the advice provided by the EMAG and the scale and complexity of changes proposed;
- 15 **noted** that the Minister has established an RMA reform ministerial group to provide oversight and co-ordination of the work programme;
- 16 **invited** the Minister to report back to ECO six-monthly with a progress report against the work programme;
- 17 **noted** that:
- 17.1 early and ongoing engagement will be required, particularly with local government, relevant Māori groups, and key system users, as the work programme is progressed;
- 17.2 officials are developing an engagement plan for local government and Māori over the course of the work programme;
- 18 **noted** that officials will assess Treaty of Waitangi impacts through the work programme and any impacts on Treaty Settlements and other legislative arrangements will need to be addressed appropriately;
- 19 **noted** that new ministerial working arrangements across the resource management, housing and infrastructure portfolios provide for oversight of spatial planning and the Spatial Planning Board established under the Public Service Act 2020 is no longer needed;
- 20 **agreed** that the Spatial Planning Board be formally disestablished on 30 June 2024;
- 21 **invited** the Minister for the Public Service to instruct the Parliamentary Counsel Office to draft Orders in Council to give effect to paragraph 20 above.

Jenny Vickers
Committee Secretary

Present:

Rt Hon Winston Peters
Hon David Seymour
Hon Nicola Willis (Chair)
Hon Brooke van Velden
Hon Chris Bishop
Hon Simeon Brown
Hon Erica Stanford
Hon Judith Collins
Hon Todd McClay
Hon Tama Potaka
Hon Matt Doocey
Hon Melissa Lee
Hon Simon Watts
Hon Penny Simmonds
Hon Chris Penk
Hon Andrew Bayly
Hon Andrew Hoggard
Hon Mark Patterson
Simon Court MP
Jenny Marcroft MP

Officials present from:

Office of the Prime Minister
Officials Committee for ECO
Office of Hon Chris Bishop
Office of Hon Judith Collins
Ministry for the Environment

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Office of the Minister Responsible for RMA Reform

ECO - Cabinet Economic Policy Committee

Work programme for reforming the resource management system

Proposal

- 1 This paper seeks agreement to the three-year work programme and process for the next phases of reforming the resource management system in accordance with the Government's coalition agreements and manifesto commitments.

Relation to government priorities

- 2 The Government has committed to making a range of reforms to New Zealand's resource management system. These include:
 - 2.1 amending the Resource Management Act 1991 (RMA) to streamline and simplify the Act and developing or amending RMA national direction to make it easier to consent new infrastructure, allow farmers to farm, get more houses built, and enhance the primary sector
 - 2.2 replacing the RMA with new resource management laws premised on the enjoyment of property rights as a guiding principle.

Executive Summary

- 3 There is widespread agreement that the resource management system, based on the RMA, is no longer fit for purpose. The coalition agreements and manifesto commitments contain an extensive and ambitious set of changes that will substantively reform the system over this term of government. We will deliver reform that provides more certainty for development, cuts 'red tape', and enables faster consenting for much needed infrastructure and development projects.
- 4 This paper proposes a work programme to deliver on the Government's resource management reform commitments. A clear work programme will provide certainty to central and local government, Māori, and system users about how we intend to reform the system. It will also help ensure that changes to the system are logically sequenced, will achieve both our short and long-term objectives, and avoid implementation inefficiencies.
- 5 Phase one of the work programme is complete. Phase two is now underway, with work to develop fast-track consenting legislation well-advanced. In addition, I propose that phase two of the work programme focuses on making targeted changes to improve the operation of the RMA and developing and amending RMA national direction instruments. These changes will reduce unnecessary regulation and help unlock development and investment in infrastructure, housing, and primary industries while achieving good environmental outcomes. Officials are continuing to scope the work in phase two and relevant portfolio ministers will seek further Cabinet decisions as needed to progress the work.
- 6 Phase three of the work programme will focus on the Government's commitment to replace the RMA with a new resource management regime. As a starting point, this work will look at how resource management laws can more clearly separate urban and spatial planning from environmental protection and have the enjoyment of property

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rights as a guiding principle. I propose to establish an Expert Ministerial Advisory Group to support the development of proposals for a replacement regime and for legislation to be introduced and passed in 2025.

- 7 I have established an RMA reform ministerial group to monitor and oversee the work programme. I intend to report to the Cabinet Economic Policy Committee every six months on progress against the work programme to make sure we remain on track.
- 8 Early and ongoing engagement will be required as the work programme is progressed, particularly with local government, relevant Māori groups, and key system users. Officials will assess Treaty of Waitangi impacts. Any impacts on Treaty Settlements and other legislative arrangements will need to be addressed appropriately.

Background

- 9 There is widespread agreement that the resource management system, based on the RMA, is no longer fit for purpose. The system has not delivered better outcomes for development, particularly housing and infrastructure, or for the natural environment. The RMA has become overly complex and difficult to implement and understand. There is broad frustration with the timeliness, cost, and quality of RMA processes.
- 10 I am taking a phased approach to reform the resource management system in New Zealand [CAB-23-MIN-0473]:
 - 10.1 phase one: repeal the Natural and Built Environment Act 2023 (NBA) and Spatial Planning Act 2023 (SPA) (now complete)
 - 10.2 phase two: introduce a fast-track consenting regime within the first 100 days, make targeted legislative changes to the RMA in 2024, develop new, or amend existing, national direction under the RMA, and implement the Going for Housing Growth work package
 - 10.3 phase three: replace the RMA with new resource management legislation based on the enjoyment of property rights, while ensuring good environmental outcomes.
- 11 This paper covers the proposed work programme to deliver on the rest of phase two, post-introduction of a fast-track consenting regime, and phase three.

Objectives for resource management system reform

- 12 I propose the work programme is guided by a set of objectives based on our coalition agreements and manifesto commitments. These objectives will provide strategic direction and help align decision-making. I propose the objectives are grouped under two broad themes:
 - 12.1 Making it easier to get things done by:
 - 12.1.1 unlocking development capacity for housing and business growth
 - 12.1.2 enabling delivery of high-quality infrastructure for the future, including doubling renewable energy
 - 12.1.3 enabling primary sector growth and development (including aquaculture, forestry, pastoral, horticulture, and mining).

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12.2 While also:

- 12.2.1 safeguarding the environment and human health
- 12.2.2 adapting to the effects of climate change and reducing the risks from natural hazards
- 12.2.3 improving regulatory quality in the resource management system
- 12.2.4 upholding Treaty of Waitangi settlements and other related arrangements.

The resource management reform work programme and priorities

- 13 Our coalition agreements and manifesto commitments to improve the resource management system are extensive and ambitious. They aim to make targeted changes in the short-term to unlock development and make it easier to get things done, while also developing a replacement system to address long-term challenges such as housing and infrastructure development deficits and declining freshwater quality.
- 14 Achieving both our short and long-term objectives will require a sequenced approach to reforming the RM system. This will allow us to make practical improvements to the current system while putting in place the building blocks for longer-term change.
- 15 The proposed work programme is sequenced across phases so that work is efficient and cost-effective, we minimise burden and uncertainty for local government and system users, we uphold Treaty of Waitangi settlement commitments, and we ultimately deliver a more coherent and aligned system across primary and secondary legislation, including national direction. **Appendix 1** shows the intended sequencing of the work programme components over the next three years. These are also briefly summarised below.

	Workstreams	Features	Timing
Phase 2	Amending the RMA (two amendment bills)	Narrowly scoped in line with Ministers' direction and immediate priorities to address urgent changes needed to the system and meet commitments	Pass Bill 1 this year Introduce Bill 2 this year, pass early 2025
	National Direction (RMA amendment bills, national direction package)	Some changes to national direction made through RMA amendment bills An integrated process used to develop and amend national direction	Start early 2024 Promulgate 2025 or 2026
Phase 3	Replacing the RMA (one or two new bills)	Replace the RMA 1991 with new legislation based on property rights Builds on previous amendment bills and national direction Expert Ministerial Advisory Group to support work Looks at splitting urban/spatial planning from environmental protection	Start by mid-2024 Pass by the end of 2025

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Phase two will focus on targeted RMA amendments and RMA national direction instruments

- 16 Phase two will focus on 'panel beating' the current system through amendments to the RMA and national direction instruments that can be progressed quickly and will have an impact in the short to medium term. Work will be scoped to avoid making changes that then have to be reversed or amended later through phase three.
- 17 I propose developing two RMA amendment bills as part of phase two. The first bill will be very narrowly scoped and introduced to Parliament in May 2024 [CAB-23-MIN-0486; CAB-24-MIN-0008 refers]. While the scope of the bill is still to be finalised, it will include changes to the RMA relating to:
 - 17.1 clarifying the application of the hierarchy of obligations in the National Policy Statement (NPS) for Freshwater Management to resource consenting
 - 17.2 extending the duration of marine farm consents
 - 17.3 ceasing the implementation of new Significant Natural Areas for three years to enable a thorough review of their operation.
- 18 A second RMA amendment bill, to be introduced in mid-2024, will focus on urgent changes needed to meet our coalition and manifesto commitments, including to:
 - 18.1 enable housing growth, including making the Medium Density Residential Standards optional for councils
 - 18.2 speed up consenting timeframes for renewable energy and wood processing
 - 18.3 support our Infrastructure for the Future plan
 - 18.4 speed up the process for making national direction under the RMA
 - 18.5 amend national direction on highly productive land to allow more productive activities including housing
 - 18.6 introduce emergency response regulations to enable effective responses to emergencies and contribute to long-term recovery.
- 19 To help finalise the scope of the second amendment bill, I will write to Ministers, and will write to key stakeholders, seeking suggestions for targeted changes to the RMA that will have the most impact in the short term while we develop a replacement to the RMA.
- 20 Our national direction programme is aimed at unlocking development and investment in infrastructure, housing capacity, horticulture, aquaculture, forestry, and mining while achieving good environmental outcomes. Work will include our commitments to review the NPS for Freshwater Management and Indigenous Biodiversity and develop new direction on matters such as renewable energy and marine aquaculture.
- 21 We have proposed to amend, review or develop over a dozen national direction instruments. It will not be feasible or efficient to progress all these processes separately. Some straightforward priority amendments to national direction will be included in the RMA amendment bills. National direction on energy infrastructure is proceeding on an urgent timeframe as part of 100-day plan commitments. I intend that other work on national direction is combined into a single process for decision-making

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and engagement, although there may be other exceptions. This will include the review of the NPS for Freshwater Management which will take 18 to 24 months to complete. A combined process would support policy integration and allow stakeholders to see and engage on all the changes in one place. I will report back to Cabinet on the approach to progress the development of national direction as an integrated package.

- 22 Responsible portfolio ministers are finalising the scope of the phase two work areas and will seek further decisions from Cabinet over the course of 2024 to progress this work.

Phase three will focus on developing legislation to replace the current RMA

- 23 Phase three of the work programme will be to introduce new resource management legislation to replace the current RMA. This work will look at the principles, functions, and structure of the system, and what changes will make the biggest difference to outcomes in the long-term. Consistent with our coalition agreements, this will include:

23.1 how resource management laws can more clearly separate urban and spatial planning from environmental protection (and which may involve separate spatial/urban planning and environment legislation)

23.2 how the enjoyment of property rights can be reflected as a guiding principle of the system

23.3 the role of a legislative framework for spatial planning to enable longer term, integrated planning

23.4 the plan-making and consenting system to speed up processes and reduce the need for consents.

- 24 However, I also consider phase three should, as far as possible, build on the work and progress made through phase two. Carrying forward the RMA and national direction amendments into new legislation will help with buy-in to the changes we are progressing now and provide a clearer implementation pathway for local government. We have also committed to upholding relevant Treaty of Waitangi settlement commitments, which will need to be factored into any new legislation.

- 25 I propose establishing an Expert Ministerial Advisory Group (EMAG) to support the development of options for the legislation to replace the RMA. I want the EMAG to work closely with Ministers and officials rather than acting independently to produce a separate report for the Government. The group will primarily inform and review policy thinking and options prepared by officials, with a secondary role to provide advice on specific matters at my request. This approach will allow us to make decisions earlier and get moving on phase 3.

- 26 I will bring a paper to Cabinet in April this year with the proposed terms of reference and membership of the EMAG. The EMAG will operate between May and December 2024. Members of the EMAG will be selected based on their collective skills across a range of relevant areas. I will retain oversight of the EMAG's work. The Ministry for the Environment will support the group with policy advice and coordinate with other central government agencies throughout.

- 27 I intend to present Cabinet with draft proposals for replacing the RMA in early 2025. Ideally, we will be able to introduce a bill with replacement legislation in mid-2025, and have the bill passed by the end of 2025. However, the time required for policy decisions

and drafting will depend on the scale and extent of legislative change proposed and advice from the EMAG.

Ministerial oversight and process arrangements

28 The work programme covers multiple topic areas and ministerial portfolios. To oversee and guide the work across phases two and three, I have established an RMA reform ministerial group with the following Ministers:

Members
Minister Responsible for RMA Reform, Minister of Housing, and Minister for Infrastructure, Hon Chris Bishop, (Chair)
Minister for Energy, Minister of Local Government and Minister of Transport, Hon Simeon Brown
Minister of Agriculture, Minister of Forestry and Minister for Hunting and Fishing, Hon Todd McClay
Minister of Conservation and Minister for Māori Crown Relations: Te Arawhiti, Hon Tama Potaka
Minister for Oceans and Fisheries, Minister for Regional Development, and Minister for Resources, Hon Shane Jones
Minister for Climate Change, Hon Simon Watts
Minister for the Environment, Hon Penny Simmonds
Associate Minister for the Environment, Associate Minister for Agriculture, Hon Andrew Hoggard
Parliamentary Under-Secretary for RMA Reform, Parliamentary Under-Secretary to the Minister for Infrastructure, Simon Court

29 I intend that this group will meet at least once monthly to discuss progress, and coordinate and prioritise across the work programme. Other relevant Ministers could be invited to specific meetings depending on the topics and agenda. To ensure we remain on track, I propose to update the Cabinet Economic Policy Committee every six months on progress against the work programme.

Alignment with other government work programmes

30 This work programme will need to align with other related Government work programmes, including the Going for Housing Growth package and the climate adaptation work programme being led by the Minister for Climate Change. The RMA reform ministerial group will provide oversight across related work areas to ensure alignment.

Building cross-party consensus on the future of the resource management system

31 I am interested in the ability to build cross-party consensus on the future of the resource management system. This will help make future legislation more enduring and less likely to experience large shifts in direction across electoral cycles. I will seek advice from officials on potential approaches to build consensus as our work programme proceeds.

Treaty of Waitangi considerations

- 32 The Government has committed to upholding redress in Treaty of Waitangi settlements. There are now over 75 individual Treaty settlements, as well as the Marine and Coastal Area (Takutai Moana) Act 2011 and the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, that interface with the RMA, including consenting.
- 33 The Crown has an obligation to uphold Treaty settlements. Replacing the RMA with new legislation will likely require consequential changes to many Treaty settlements and a process to agree these. The Minister for Māori-Crown Relations and the Minister for Oceans and Fisheries have agreed to lead work on the approach in this area, including how upholding settlements can be integrated in the policy development process, and will report back to the RMA reform ministerial group. Officials will also assess Treaty impacts as the work programme progresses and how to address any impacts on Treaty Settlements and other legislative arrangements.

Engagement approach across the work programme

- 34 The work programme covers a wide scope that will be of interest to local government, infrastructure providers, developers, Māori, and communities. Early and ongoing engagement will be required, particularly with local government, relevant Māori groups and key system users, as the work programme is fully scoped and progressed. Achieving buy-in to system changes from local government, Māori and the wider resource management sector will be essential to the success of the programme. Officials are developing an engagement plan for working with local government and Māori over the course of the three-year work programme.

Disestablishment of the Spatial Planning Board

- 35 The Spatial Planning Board (the Board) was set up as an interdepartmental executive board under the Public Service Act 2020 to govern the implementation of the SPA. This role finished with the repeal of the SPA. The Board has advised me that the new ministerial and working arrangements across the resource management, housing, and infrastructure portfolios provide for oversight of spatial planning and the Board is no longer needed.
- 36 I recommend that the Spatial Planning Board be formally disestablished. The Board has already ceased meeting. The wind-up process is underway and will take three to four months to complete. The formal disestablishment date is recommended as 30 June 2024, to align with the end of the financial year.

Cost-of-living Implications

- 37 An objective of reforming the resource management system is to streamline the need for resource consents and consent processes to avoid unnecessary cost being passed onto system users. These benefits may flow through to reduced costs for families and households.

Financial Implications

- 38 S9(2)(f)(iv) [Redacted]

39 S9(2)(f)(iv) [Redacted]
[Redacted]
[Redacted]
[Redacted]

40 S9(2)(f)(iv) [Redacted]
[Redacted]
[Redacted]

Legislative Implications

41 S9(2)(h) [Redacted]
[Redacted] [Redacted]
[Redacted] [Redacted]
[Redacted] [Redacted]
[Redacted] [Redacted]

Impact Analysis

Regulatory Impact Statement

42 There are no regulatory proposals in this paper, and therefore Cabinet’s regulatory impact analysis requirements do not apply.

Climate Implications of Policy Assessment

43 The Climate Implications of Policy Assessment (CIPA) team confirms that the CIPA requirements do not apply as this proposal is not expected to result in any significant, direct emissions impacts. Some elements of the work programme may have an emissions impact. Officials will work with the CIPA team to assess and disclose the emissions impacts of subsequent proposals as the work programme progresses.

Population Implications

44 A more efficient and effective resource management system should benefit all New Zealanders. Implementation of this work programme will need to closely consider its potential impact on populations and communities, including on Māori.

Human Rights

45 Consistency with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993 will be assessed as the work programme is implemented and through further Cabinet decisions.

Use of external Resources

46 No external resources were used to prepare this paper.

Consultation

- 47 The following agencies were provided with a short period to review the content of this paper: the Department of Prime Minister and Cabinet; the Treasury; Ministry of Housing and Urban Development; Department of Internal Affairs; Ministry of Transport; Department of Conservation; Office for Māori Crown Relations: Te Arawhiti; Ministry for Primary Industries; Ministry for Culture and Heritage; Ministry of Business, Innovation and Employment; Ministry of Health; Department of Education; and New Zealand Infrastructure Commission Te Waihanga. The Public Service Commission was consulted on disestablishing the Spatial Planning Board.

Communications

- 48 Following Cabinet approval, I intend to make an announcement setting out the work programme described in this paper and publish the work programme.

Proactive Release

- 49 As soon as practicable after decisions being confirmed by Cabinet and public announcements made, I intend to proactively release this paper, subject to redactions as appropriate under the Official Information Act 1982.

Recommendations

The Minister Responsible for RMA Reform recommends that the Committee:

- 1 **note** that I am taking a phased approach to reform the resource management system in New Zealand [CAB-23-MIN-0473]:
 - 1.1 phase one: repeal the Natural and Built Environment Act (NBA) and Spatial Planning Act (SPA) (now complete)
 - 1.2 phase two: introduce a fast-track consenting regime within the first 100 days, make targeted legislative changes to the Resource Management Act 1991 (RMA) in 2024, develop new, or amend existing, national direction under the RMA, and implement the Going for Housing Growth work package
 - 1.3 phase three: replace the current RMA with new resource management legislation based on the enjoyment of property rights, while ensuring good environmental outcomes
- 2 **note** that delivering the work programme across phases two and three will require a sequenced approach to manage available resources, ensure system changes are orderly, and minimise uncertainty and disruption for councils and system users
- 3 **agree** that the work programme will be guided by the following objectives:
 - 3.1 making it easier to get things done by:
 - 3.1.1 unlocking development capacity for housing and business growth
 - 3.1.2 enabling delivery of high-quality infrastructure for the future, including doubling renewable energy
 - 3.1.3 enabling primary sector growth and development (including aquaculture, forestry, pastoral, horticulture, and mining)

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- 3.2 while also:
 - 3.2.1 safeguarding the environment and human health
 - 3.2.2 adapting to the effects of climate change and reducing the risks from natural hazards
 - 3.2.3 improving regulatory quality in the resource management system
 - 3.2.4 upholding Treaty of Waitangi settlements and other related arrangements

- 4 **agree** that the work programme for reforming the resource management system includes the following components:
 - Phase two*
 - 4.1 developing fast-track one-stop-shop consenting legislation (already underway)
 - 4.2 making targeted amendments to the RMA via two amendment bills to streamline and simplify its operation
 - 4.3 developing or amending RMA national direction to unlock development and investment in infrastructure and primary industries while achieving good environmental outcomes
 - Phase three*
 - 4.4 developing proposals for legislation to replace the RMA that has the enjoyment of property rights as a guiding principle

- 5 **note** that work in phase two on amending or developing national direction that is not addressed through RMA amendments, and excluding work on energy infrastructure, is intended to be combined as much as possible into a single process for engagement and decision making

- 6 **note** that the Minister Responsible for RMA Reform will report back to Cabinet on the approach and timeframes for progressing the development of national direction

- 7 **note** that the Minister Responsible for RMA Reform will write to Ministers, and intends to write to key stakeholders, seeking suggestions for targeted changes to the RMA to include in the second RMA amendment bill

- 8 **note** that the final scope of work under phase two is still to be finalised and responsible portfolio ministers will seek further Cabinet decisions as necessary to progress each area of work

- 9 S9(2)(f)(iv)


- 10 **agree** that the work in phase three to develop legislation to replace the RMA will build on the work and progress made through phase two of the work programme

- 11 **agree** to establish an Expert Ministerial Advisory Group (EMAG) to support the development of proposals for replacing the RMA

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- 12 **note** that the Minister Responsible for RMA Reform will bring a paper to Cabinet in April 2024 with further detail on the role of the EMAG and its proposed terms of reference and membership
- 13 **note** that the Minister Responsible for RMA Reform intends to report back to Cabinet with draft proposals for replacing the RMA in early 2025
- 14 **note** that the Minister Responsible for RMA Reform is aiming to develop and pass RMA replacement legislation by the end of 2025, but the timing of this process will depend on the advice provided by the EMAG and the scale and complexity of changes proposed
- 15 **note** that the Minister Responsible for RMA Reform has established an RMA reform ministerial group to provide oversight and co-ordination of the work programme
- 16 **direct** the Minister Responsible for RMA Reform to report to the Cabinet Economic Policy Committee every six months with a progress report against the work programme
- 17 **note** that:
- 17.1 early and ongoing engagement will be required, particularly with local government, relevant Māori groups, and key system users, as the work programme is progressed
- 17.2 officials are developing an engagement plan for local government and Māori over the course of the work programme
- 18 **note** that officials will assess Treaty of Waitangi impacts through the work programme and any impacts on Treaty Settlements and other legislative arrangements will need to be addressed appropriately
- 19 **note** that new ministerial working arrangements across the resource management, housing and infrastructure portfolios provide for oversight of spatial planning and the Spatial Planning Board established under the Public Service Act 2020 is no longer needed
- 20 **agree** that the Spatial Planning Board be formally disestablished on 30 June 2024
- 21 **invite** the Minister for the Public Service to instruct the Parliamentary Counsel Office to draft Orders in Council to give effect to recommendation 20.

authorised for lodgement

Hon Chris Bishop
Minister Responsible for RMA Reform

Appendix 1: Reforming the Resource Management System - Three-Year Indicative Work Programme

