



Cabinet Environment, Energy and Climate Committee

Minute of Decision

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Comprehensive Review of the Resource Management System: Scope and Process

Portfolio **Environment**

On 27 June 2019, the Cabinet Environment, Energy and Climate Committee:

- 1 **noted** that the Cabinet Environment, Energy and Climate Committee's work programme includes a commitment to improving the effectiveness of the resource management system [CAB-18-0246];
- 2 **noted** that the Minister for the Environment has responded to Cabinet's invitation to report back on the scope and process for a comprehensive review of the resource management system [ENV-18-MIN-0028];
- 3 **noted** that the Resource Management Act 1991 (RMA) is the principal statute for managing New Zealand's built and natural environments;
- 4 **noted** that the RMA was a major step forward for environmental management in New Zealand, and a product of rising environmental awareness;
- 5 **noted** that the RMA works in conjunction with other important statutes, including the Local Government Act 2002 (LGA) and Land Transport Management Act 2003 (LTMA), to determine outcomes across the entire resource management system;
- 6 **noted** that successive amendments have added complexity to the RMA, rendering it unwieldy, and there have been significant problems with the implementation of the Act;
- 7 **noted** that the resource management system as a whole is underperforming for the environment and urban areas, including degradation of ecosystems and biodiversity by poorly managed cumulative effects;

Preferred scope of a comprehensive review of the resource management system

- 8 **noted** that the Minister for the Environment has considered three options for a review:
 - 8.1 Option A: Further discrete changes to the Resource Management Act 1991 (RMA), as required by existing work programmes;
 - 8.2 Option B: A comprehensive review of the RMA (the review), including work on spatial planning across the RMA, LGA and LTMA;

- 8.3 Option C: A broader review of the resource management system that encompasses the RMA, LGA and LTMA;
- 9 **noted** that Option B is the Minister for the Environment's preferred option;
- 10 **agreed** that the review will aim to improve intergenerational wellbeing by strengthening environmental protection and better enabling urban development outcomes within environmental limits;
- 11 **agreed** that issues to be addressed by the review will include removing unnecessary complexity from the RMA, improving interaction and alignment with other legislation, creating a new role for spatial planning, improving the quality of RMA plans and processes, issuing clear national direction, and improving the quality of decision-making;
- 12 **noted** that the Minister for the Environment will consult with the Minister for Local Government, the Minister of Transport, the Minister of Housing and Urban Development, and the Minister for Infrastructure on the scope of spatial planning reform;
- 13 **noted** that the review is necessary for maintaining momentum towards delivering the government's objectives for freshwater, climate change, urban development, biodiversity, heritage, infrastructure and regional development;
- 14 **agreed** that the review should uphold the core principles in Part 2 of the RMA, provide for local decision-making and meaningful public participation, and achieve good environmental outcomes;
- 15 **noted** that Cabinet has already agreed to the particular issues of urban tree protection and climate change resilience (both mitigation and adaptation) being considered as part of this review [CAB-18-MIN-0485.01];
- 16 **noted** that officials are separately considering issues relating to the coastal marine environment, and will report back to the Minister for the Environment, the Minister of Fisheries and the Minister of Conservation by late 2019 on the potential inclusion of these issues in the review;
- 17 **agreed** that the Minister for the Environment now consult on the scope for the review with a targeted group, based on Option B;
- 18 **agreed** that those consulted should include the Environmental Defence Society, the other members of Resource Reform New Zealand, 14 Local Government New Zealand, the Iwi Leaders Group, New Zealand Māori Council, Te Tumu Paeroa, 15 Federation of Māori Authorities, Kāhui Wai Māori, 16 Ngā Aho, 17 the Resource Management Law Association, New Zealand Planning Institute, Environment and Conservation Organisations of NZ (ECO), Forest & Bird, the Farming Leaders Group, Fish & Game, the New Zealand Law Society, Council of Trade Unions, Interim Climate Change Committee and Sustainability Council;
- 19 **invited** all Ministers to write to the Minister for the Environment by 31 August 2019 with any specific issues relevant to their portfolios that fall within the scope of Option B, to enable them to be considered as part of the review process;
- 20 **noted** that the Minister for the Environment will report back to Cabinet to finalise the scope and terms of reference for the review following the consultation;

Establishing an expert advisory group to undertake a review

- 21 **agreed** to establish an expert advisory group (EAG) to support the review;
- 22 **agreed** that the Minister for the Environment will be responsible for oversight of the work of the EAG;
- 23 **noted** that, based on the content of the paper under ENV-19-SUB-0036, the Minister for the Environment will ask the Cabinet Appointments and Honours Committee (APH) to consider EAG membership;
- 24 **noted** that EAG members will be selected based on their collective skills in planning, local government, environmental management, ecology, te ao Māori, resource management law, development, primary industries, economics and climate change response;
- 25 **noted** that the EAG will be chaired by an experienced resource management decision-maker, for example a senior judge;
- 26 **noted** that it is intended to appoint EAG members in advance of Cabinet decisions finalising the scope and terms of reference for the review;
- 27 **agreed** that EAG members will start preparatory work as soon as possible after being appointed;
- 28 **agreed** that the EAG will be tasked with developing policy proposals, in line with the final scope confirmed by Cabinet;
- 29 **noted** that the EAG will work with a secondee from the Parliamentary Counsel Office in order to recommend indicative legislative drafting of key provisions alongside its policy proposals;
- 30 **agreed** that the EAG be directed to report back by mid-2020;
- 31 **noted** that the Minister for the Environment will lead discussions with the Cabinet Environment, Energy and Climate Committee at key stages as the review progresses, about the possible impacts of the EAG's work;
- 32 **agreed** that the Minister for the Environment will establish a Ministerial governance group to oversee the review, once the work of the EAG is underway;
- 33 **noted** that Cabinet will consider the final outputs of the EAG in mid-2020;

Involving the public in a review

- 34 **noted** that the review will take a phased approach to engagement with the public, to ensure appropriate opportunities for input within reasonable timeframes;
- 35 **agreed** that the approach the EAG will take to engagement with Māori will be confirmed following initial consultations by the Minister for the Environment;

Drawing on, and connecting with, other work

- 36 **noted** that the EAG will draw on reform proposals including those developed by the New Zealand Productivity Commission, the Organisation for Economic Cooperation and Development, and the Environmental Defence Society;

- 37 **noted** that the EAG will ensure any proposals for RMA reform are aligned with the outcomes of:
- 37.1 existing work programmes in areas such as Essential Freshwater, the Climate Change Response (Zero Carbon) Amendment Bill and climate change adaptation, and the Urban Growth Agenda;
 - 37.2 existing work programmes focused on local governance including the Local Governance for Community Wellbeing programme, the Three Waters Review, and the New Zealand Productivity Commission inquiry into local government funding and financing;

Ensuring a stable transition

- 38 **noted** that initiatives currently underway to improve the operation of the existing RMA will be carried over into a reformed RMA;
- 39 **noted** that Treaty of Waitangi settlements that include provision for iwi engagement in aspects of the resource management system will also be carried over into a reformed RMA;
- 40 **noted** that policy proposals will also be assessed to ensure they do not have unintended consequences for existing and future Treaty settlements;

Financial implications

- 41 **noted** that Cabinet has approved funding in Budget 2019 for the review, in line with the scope of Option B outlined in the paper under ENV-19-SUB-0036

Vivien Meek
Committee Secretary

Present:

Rt Hon Winston Peters
Hon Dr Megan Woods
Hon David Parker (Chair)
Hon Shane Jones
Hon James Shaw
Hon Eugenie Sage

Officials present from:

Office of the Prime Minister
Officials Committee for ENV

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Minister for the Environment