

['In Confidence']

Office of the Minister for the Environment

Chair

Cabinet Economic Growth and Infrastructure Committee

Resource Legislation Amendment Bill: Second Phase of Resource Management reform and approval for introduction

Proposal

1. This paper outlines the policy intent of the Resource Legislation Amendment Bill and provides a summary of the second phase reform package as a whole.
2. This paper also provides you with the draft Resource Legislation Amendment Bill 2015. I am seeking agreement to introduce this Bill into the House on 30 November 2015.

Background

3. The Resource Management Act 1991 (RMA) is New Zealand's primary environmental statute, covering environmental protection, natural resource management and our urban planning regime. The RMA is unique in that it combines our planning and environmental laws, which has made it challenging to address some issues such as urban and infrastructure development. The RMA has been in place for almost 25 years and is not working as well as it could be.
4. Local and international research backs up the need for reform. New Zealand is one of the worst ranked countries in a 2014 OECD report¹ when it came to the administrative burden of its environmental policy design. The study showed that many countries have more stringent environmental policies than we do, but a far smaller administrative burden. This is reinforced in Local Government New Zealand's survey of New Zealanders' perceptions of local government in which businesses' negative experience of building and resource consent processes was of the most criticised areas of councils' work.²
5. This is the third Bill to form part of the Government's resource management reform agenda. It follows the first phase of resource management reform in 2009 which set up the Environmental Protection Authority (EPA), banned trade competitors from using the RMA to delay developments, and tightened enforcement and consent processes, significantly reducing council processing

1 OECD. 2014. *Do environmental policies matter for productivity growth? Insights from new cross-country measures of environmental policies*. Retrieved 11/11/2016 from [http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=ENV/EPOC/WPIEEP\(2014\)3/FINAL&docLanguage=En](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=ENV/EPOC/WPIEEP(2014)3/FINAL&docLanguage=En)

2 Local Government New Zealand. 2015. *Building a Stronger Local Government for New Zealand: a survey of New Zealanders' perceptions of local government*. Wellington: LGNZ.

IN CONFIDENCE

timeframes. In 2013 further improvements were made to the consenting system and council decision-making processes.

6. This Phase Two package of resource management reform proposals comprises over 40 individual proposals aimed at delivering substantive, system-wide improvements to the resource management system.
7. The Bill will deliver the following outcomes:
 - Stronger national direction
 - Better plan making
 - Simpler consenting
 - Earlier resolution of issues
 - Improved Māori participation
 - Improved alignment with other Acts
 - Process improvements.
8. Cabinet has most recently agreed to the policy proposals contained in this Bill through three papers:³
 - In February 2015, *Second Phase of Resource Management Reforms: Batch 1 of Policy Decisions* [CAB Min (15) 5/11 refers]
 - In July 2015, *Second Phase of Resource Management Reforms: Batch 2 of Policy Decisions* [CBC Min (15) 2/3 refers]
 - In November 2015, *Resource Legislation Amendment Bill* [CAB-15-MIN-0199.014 refers].

Discussions with the Māori Party and Iwi Leaders Group

9. I have had detailed discussions with the Māori Party and Iwi Leaders Group on the Bill. The major areas of concern were in respect of proposals for Alternative Consent Authorities and the proposed provision regarding reasonable exercise of property rights. I have deleted these proposals from the Bill as a consequence of these concerns.
10. The Māori Party has committed to support the Bill at First reading. There are areas where they and the Iwi Leaders Group wish to maintain a dialogue as the Bill progresses its parliamentary stages. I have committed to continue this dialogue.

³ Cabinet had made decisions in 2013 on the resource management reform package through two papers: CAB Min (13) 15/8 and CAB Min (13) 18/8 refer. These earlier decisions were either reconfirmed or rescinded through CAB Min (15) 5/11 and CBC Min (15) 2/3.

Stronger national direction

11. The RMA largely gives councils the responsibility for developing the content of regional and district plans to manage uses and protection of the environment in their areas. These plans set out what activities people can do, what activities require permission from the council (a resource consent), and how activities should be carried out.
12. The government has several tools within the RMA that allow it to set national direction, creating greater consistency across plans and allowing the government to take the lead on issues that are of national importance. These tools include:
 - National Policy Statements (NPSs)
 - National Environmental Standards (NESs)
 - Regulations
 - The exercise of Ministerial intervention powers.
13. To make sure that existing tools are fit for purpose and can provide strong national direction, the Bill will sharpen processes for developing NPSs and NESs to allow the joint development of these tools and broaden what they can provide for.
14. The Bill will also introduce provisions in the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act) for a tool to allow the Government to propose national direction to support decision-making on applications for marine consents.
15. In order to ensure that plans are appropriately focused on giving effect to the core purpose of the RMA, the Bill will also provide for new regulation making powers to:
 - permit specified land uses
 - prohibit and require removal of council planning provisions that:
 - duplicate other legislation; or
 - impose unnecessary restrictions on land use for residential development.
 - exclude stock from water bodies (as per the 2014 election manifesto).
16. The Bill will add one new matter into section 6 (principles) of the RMA, which will require councils to recognise and provide for the management of significant risks from natural hazards. This clearly signals the Government's intention that natural hazard risk management needs to be a factor in all decision making. There are also supporting amendments proposed to section 106 regarding consideration of risks from all natural hazards in subdivision consents. These changes give effect to recommendations of the Canterbury Earthquakes Royal Commission.

IN CONFIDENCE

17. The Bill will amend sections 30 and 31 of the RMA to make it a function of regional councils and territorial authorities to ensure sufficient residential and business development capacity to meet long-term demand. This is designed to enable better provision of residential and business development capacity, and therefore improve housing affordability.

Better plan making

18. The RMA requires councils to develop regional policy statements, and district and regional plans that explain how the council will manage the environment in its area. The RMA currently only has one process for preparing or changing a regional policy statement or plan, which Councils must use, regardless of the circumstances.
19. This 'one size fits all' approach is too slow and gives little flexibility to adapt these processes to suit the local circumstances or the scale of the issues. The length of time taken to develop a new plan and resolve any appeals (approximately six years on average) means that plans are not sufficiently adaptable and responsive to changing needs and issues.
20. The Bill will improve the plan-making process and provide new ways of producing plans, by introducing two new plan-making options – the streamlined planning process and the collaborative planning process. These new processes will enable a more efficient, flexible and proportionate plan change process for the issues and circumstances they are dealing with.
21. The proposed new streamlined planning process will mean councils can formally ask the Minister for the Environment for a plan-making process that suits their local circumstances. At present, in order to gain this level of flexibility, the Government has recently had to pass special legislation where the existing planning process would have been too slow (in Auckland and Christchurch). The new streamlined process will reduce the need for this kind of ad hoc law-making and instead provide a more flexible and responsive mechanism within the RMA.
22. The collaborative planning process encourages greater front-end public engagement. It will encourage people with different views to work together to resolve resource management issues, which will reduce litigation costs and lengthy delays later in the process. One example where collaboration has worked well is the Land and Water Forum, which brought together people from industry, NGOs, iwi, and central and local government. Working together, these groups developed a common understanding and provided consensus recommendations to the Government on how to manage fresh water.
23. The Bill also seeks to place an obligation on councils to engage with iwi through Iwi Participation Arrangements during the plan making processes. This proposal aims to facilitate greater and more consistent iwi engagement during plan development.

IN CONFIDENCE

24. In addition to the two new plan making processes described above, the Bill will also enable development of a National Planning Template. Variation between different council plans across New Zealand can be confusing. For example, there are more than 50 definitions of how to measure the height of a building. This makes it hard for people and businesses that operate across several districts, for example builders, to know how the rules work. This costs the consumer time, and money, to pay the builder to work out what is required.
25. This template will make plan making processes simpler and the resulting plans and policy statements more consistent across the country. It will set out, at a minimum, a standard structure and format, references to existing national direction, and standard definitions (where possible), and requirements for electronic delivery of plans. In addition, a more ambitious template may also include some standardised content for all plans, for example the template could provide councils with some standardised options for residential areas to choose from, rather than having hundreds of different rules created from scratch across the country.

Simpler consenting

26. Getting resource consent can add excessive time, cost, and uncertainty to projects relative to their potential to cause adverse environmental effects. For some activities of a predictable or potentially minor nature – like adding onto a house – the process is more complicated and time consuming than it needs to be.
27. The Bill introduces greater proportionality into the process of obtaining resource consent by introducing a 10-working-day time limit for determining simple, fast-track, applications and allowing councils to treat certain activities as permitted.
28. Improvements will make consent processes simpler and more efficient by ensuring that they are focused on the reasons resource consent is required and that public engagement in these processes is relevant. These proposals refine the notification regime by precluding some applications from public notification and specifying who can be involved in limited notified resource consent applications.
29. The costs of resource consents will also be more transparent. The Bill will introduce a regulation-making power to require consent authorities to fix the fees for processing certain consent applications, and a fixed remuneration fee for hearings panels and independent commissioners. This will give greater certainty to applicants.

IN CONFIDENCE

Earlier resolution of issues

30. Making decisions on plans and resource consents is usually the responsibility of local and regional councils. If an applicant disagrees with a decision made, they can either make a formal objection to the decision, or lodge an appeal. When a decision is appealed, the appeal is heard and decided on by the Environment Court. This process can be costly and can create significant delays in reaching a final decision on a plan or consent.
31. One of the key themes of the reforms is to encourage resolution of disputes as early as possible in resource management planning and consenting processes. There are two aspects to this:
 - encouraging more engagement in plan-making processes generally, rather than engagement on individual consents
 - to provide avenues for resolving disputes as early as possible to encourage resolution without requiring a full appeal to the Environment Court.
32. The collaborative planning process is one of the key changes being made through the Bill that will actively encourage broad and early engagement in planning processes. In addition, many of the proposed changes to appeals and notification processes limit the back-end engagement in consent processes. These changes are intended to act as an incentive for stakeholders to engage in plan-making and consent processes in a meaningful way, and to allow the plan, with its resulting strong community mandate, to dictate the outcomes of consent decisions rather than appeals.
33. The Bill introduces a number of improvements to Environment Court processes to support efficient and speedy resolution of appeals. These include providing the Environment Court with the ability to require parties to participate in alternative dispute resolution activities and judicial conferences. A separate proposal enables applicants to request that their objection to a council's decision be heard by an independent commissioner rather than the council.
34. The Bill also provides the Environment Court with a new ability to allow councils to acquire land that has been rendered incapable of reasonable use by planning provisions, where those provisions are deemed to have placed an unfair and unreasonable burden on the landowner. This will provide an alternative to the existing remedy which requires councils to amend planning provisions to remove the imposition. This will ensure Councils have to consider the true cost of proposals, and will give them the ability to pursue plan changes that are supported by the community at large but that impose a significant cost on affected landowners.

Improved Māori participation

35. Meaningful engagement with Māori is an important aspect of resource management. Under the RMA, councils are currently required to consult with iwi authorities ahead of notifying a plan and seeking formal submissions. There are also a variety of Treaty related arrangements in place between iwi and some councils. However, the effectiveness of existing relationships between iwi and councils varies across the country. In some regions ineffective relationships have resulted in uncertainty and disputes, including costly adversarial policy and consenting processes.
36. The RM reform package aims to provide the right incentives to encourage positive working relationships early in the planning process between iwi authorities and councils. The Bill seeks to place a statutory obligation on councils to invite iwi to form an Iwi Participation Arrangement. This arrangement will establish the engagement expectations when consulting during the early stages of the plan making processes. The iwi participation arrangement is both a trigger for councils to engage with iwi authorities and a way to further clarify the role of tangata whenua, through iwi authorities, in the planning process.
37. It is noted that, where relevant, Treaty settlements and other legislation providing for iwi participation in resource management will be referred to and prevail over any changes to the RMA. Where iwi or hapū have agreed – through Treaty settlements or other legislation providing for iwi participation in resource management – a role in the planning process that is greater than what will be provided for in the Bill, those obligations will be maintained.

Improved alignment with other Acts

38. Some activities under the RMA also require permissions under other Acts. Getting multiple approvals can be time consuming and complex, and sometimes applicants have to provide the same information several times to different decision makers for the same activity. For large projects, this can make a difference to whether they are viable or not.
39. An example of where this duplication exists is in the area of financial and development contributions (under the RMA and the Local Government Act respectively). There is currently considerable variation and overlap between how different councils charge financial and development contributions. This has resulted in confusion and concerns about councils' charging under the two regimes.
40. The Bill will repeal the ability for a council to charge a financial contribution under the RMA. Removing financial contributions will make it clear that the costs of servicing new growth should be met through development contributions, under the Local Government Act, and make charging more certain and transparent for applicants. It will still be possible to offset environmental effects (if volunteered by the applicant) under the RMA with conditions on consents for delivering specific environmental mitigation.

IN CONFIDENCE

41. The Bill also introduces a new regulation-making power to prevent and remove council planning provisions that duplicate the functions, or have the effect of overriding other legislation or impose unnecessary land use restrictions.
42. Other areas of legislative duplication the Bill will address include:
 - creating an optional joint process of public notification, hearings and decisions for proposals that involve private plan changes and/or resource consents under the RMA and recreation reserve exchanges under the Reserves Act 1977
 - aligning the notified concession process under the Conservation Act 1987 with notified resource consents under the RMA at key steps
 - removing the explicit function of regional councils and territorial authorities to manage hazardous substances under the RMA, as this is already covered by the Hazardous Substances and New Organisms Act 1996
43. The Bill also aligns processing of certain notified discretionary marine consents under the EEZ Act with the Board of Inquiry process for Nationally Significant Proposals under the RMA. Greater consistency between the EEZ Act and the RMA will enable the Environmental Protection Authority (EPA) to make efficiency gains by standardising business processes.

Process improvements

44. The Bill seeks to ensure that processes under the RMA are as simple and efficient as possible and that all RMA public notices are written in plain language and made available on publicly accessible websites. Only summaries of public notices and the address where the full notice may be accessed will be required to be published in newspapers. This will reduce end user costs and align RMA processes with changing social and technological preferences.
45. In order to utilise digital technologies and to better reflect the increasing comfort with doing business digitally, the Bill will enable greater servicing of documents via online platforms.
46. The Bill also introduces a new set of procedural principles requiring the use of timely, efficient, consistent, and cost-effective processes that are proportionate to the functions being performed. The objective being to ensure that decision makers apply these principles to minimise the costs of implementing the RMA.
47. The Bill makes a number of discrete changes to the EEZ Act to ensure that it can be implemented effectively and efficiently. This includes providing specifically for decommissioning of structures once they reach the end of production, and amendments to transitional provisions and enforcement provisions.

Miscellaneous

48. The Bill makes a number of minor or technical amendments to some parts of existing legislation to either improve an existing resource management process or to address an unintended consequence.

IN CONFIDENCE

Overall comment on the Bill

49. Aspects of the Bill that are likely to receive the most public attention include:
- the removal or restriction of appeal rights
 - reduced notification of resource consents
 - the removal of financial contributions from the RMA.
50. Explanation and justification of these policies is provided in the Regulatory Impact Statements for the Bill, as provided to EGI on 4 November 2015, and the agency disclosure statement attached to this paper.
51. Non-legislative policy options were considered for all proposals within this package as part of initial options analysis. However, it was considered that these options would not fully achieve the objectives of the reforms.

Outstanding policy issues

52. In discussions with OTS and the Post Settlement Commitments Unit (Ministry of Justice), a concern was raised that as currently drafted, the Bill would prevent iwi being notified of consent applications on or adjacent to the 'vest and vest back' areas, areas over which a Treaty Settlement contained a nohoanga or overlay classification, and in relation to wāhi tapu in a plan or on the New Zealand Heritage List.
53. I propose to address these issues by broadening the scope of those persons who are eligible to be notified of consent applications to include:
- iwi or governance entities in whose favour land is subject to nohoanga, overlay classifications, or 'vest and vest back' provisions provided by Treaty settlements
 - iwi for whom a site is recognised as wāhi tapu in a plan or on the New Zealand Heritage List.

Publicity

54. I intend to make a public announcement once the Resource Legislation Reform Bill has been introduced into the House.
55. I expect there will be significant interest from the media and the public in the reform programme. I have produced a high-level brochure outlining the purpose of the reforms and its key proposals to support my announcement of the reforms. For those stakeholders that want more detailed information, they will be able to refer to the detail in the General Policy Statement and Clause-By-Clause Analysis within the Bill, as well as the three RISs, which will be available online.

IN CONFIDENCE

56. To further support the Bill process, I intend to proactively release this paper, as well as the following three Cabinet papers, at an appropriate time following introduction:

- *Second Phase of Resource Management Reforms: Batch 1 of Policy Decisions* [CAB Min (15) 5/11 refers]
- *Second Phase of Resource Management Reforms: Batch 2 of Policy Decisions* [CBC Min (15) 2/3 refers]
- *Resource Legislation Amendment Bill* [CAB-15-MIN-0199.01 refers].

Compliance

57. The Bill complies with:

- The principles of the Treaty of Waitangi. It contains specific provisions that clarify that, where the RMA conflicts with iwi participation legislation, the iwi participation legislation prevails;
- the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
- disclosure statement requirements. An agency disclosure statement has been prepared and is attached to this paper;
- the principles and guidelines set out in the Privacy Act 1993.

LAC Guidelines

58. I consider that the Resource Legislation Amendment Bill 2015 does not depart from the LAC guidelines, with the following exceptions, which I do not consider to be significant and are justified:

- Public consultation has not been undertaken on all proposals
- Some narrowing or removal of appeal rights and notification provisions, which may limit some parties ability to appeal decisions

59. A number of these proposals were publicly consulted on in 2013. The remainder are clearly within the purposes of the reforms and most have been signalled through speeches or press releases.

60. Appeal rights have been removed in the new streamlined planning process, in the interest of ensuring the planning process can be responsive to urgent issues. However checks and balances have been provided in the form of a Minister's decision on the council's proposed planning instrument, statutory tests and entry criteria in the process and judicial review is still available. Appeal rights have also been restricted as part of the collaborative planning process, however the collaborative nature of this process means that this is also justified.

61. Appeal rights have been narrowed in relation to resource consents. I consider this narrowing to be justified, given the benefits this will produce in relation to the time and cost of consents and the scope of the proposals.

IN CONFIDENCE

62. I consider it desirable to encourage more effective functioning of councils and faster, more efficient processing of resource consents.

International standards and obligations

63. I do not consider that the policy behind the Bill materially impacts on New Zealand's international standards and obligations.

Consultation

64. The following departments have been consulted on this paper, previous Cabinet Papers, and have been involved in informal discussions on the development of the revised reform package: the Treasury, Ministry of Business, Innovation and Employment (MBIE), Department of Conservation (DOC), Department of Internal Affairs, Te Puni Kōkiri (TPK), Ministry of Transport, the New Zealand Transport Agency (NZTA); Ministry of Justice, the Ministry for Primary Industries, Land Information New Zealand, Ministry for Culture and Heritage, Heritage New Zealand, Ministry of Education, Ministry of Health, the Environmental Protection Authority, Ministry of Civil Defence & Emergency Management, and Maritime New Zealand. The Department of the Prime Minister and Cabinet has been informed.

65. Departments have seen previous versions of the attached drafting for comment, but not the final drafting that accompanies this paper.

Binding on the Crown

66. The proposed amendments will be binding on the Crown.

Creating new agencies or amending law relating to existing agencies

67. The Bill will amend to the functions of the Environmental Protection Authority (EPA) to enable the EPA to provide:
- planning advice to Boards of Inquiry
 - secretariat and support services under Acts that require the application of provisions of the RMA
 - advice to the Minister in relation to functions under the streamlined planning process.
68. This Bill will not create any new agencies.
69. These changes will not amend the existing coverage of the Ombudsmen Act 1975, the Official Information Act 1982.

Amended coverage of the Local Government Official Information and Meetings Act 1987

70. Parts 1 to 6 and sections 48 and 53 of the Local Government Official Information and Meetings Act 1987 will apply to a review panel appointed by a local authority to hear submissions and make recommendations in the course

IN CONFIDENCE

of the collaborative planning processes as if that panel were a committee appointed by a local authority under the Local Government Act 2002.

71. The Local Government Official Information and Meetings Act 1987 will apply to a collaborative group as if it were a committee of the local authority under the Local Government Act 2002.

Allocation of decision making powers

72. The Bill does not involve the allocation of decision-making powers between the executive, the courts or tribunals.

Associated regulations

73. Some reforms in this Bill require amendments to the Resource Management (Forms, Fees, and Procedure) Regulations 2003 and the Resource Management (Discount on Administrative Charges) Regulations 2010 prior to the relevant parts commencing. These regulations will need to be developed within 6 months of the relevant part of the Act being passed, which is when the relevant provisions will commence.
74. In addition, there are a number of new regulation making powers and disallowable instruments created by the Bill, which were previously noted by Cabinet [CAB-15-MIN-0199.01, recommendations 89-92 refers]

Definition of Minister/department

75. The Bill does not define "department" or "chief executive" or any equivalents to those.

Commencement of legislation

76. Cabinet has previously agreed to recommendations relating to Commencement provisions for the Resource Legislation Amendment Bill [CAB-15-MIN-0199.01, recommendations 79-84 refers]

Parliamentary stages

77. I am seeking agreement for the Bill to be introduced before 30 November 2015.
78. I propose that the attached Bill is considered by the Local Government and Environment Committee.

Recommendations

79. The Minister for the Environment recommends that the Committee:

1. **note** that the Resource Legislation Amendment Bill 2015 will deliver on the following outcomes:
 - 1.1. Stronger national direction
 - 1.2. Better plan making
 - 1.3. Simpler consenting
 - 1.4. Earlier resolution of issues
 - 1.5. Improved Māori participation
 - 1.6. Improved alignment with other Acts
 - 1.7. Process improvements
2. **note** the high-level policy intent of the Bill, as outlined in this paper
3. **note** that the Resource Legislation Amendment Bill (the Bill) holds Priority 2 on the 2015 legislation programme
4. **approve** for introduction the Resource Legislation Amendment Bill, subject to the final approval of the government caucus;
5. **agree** that the Bill be introduced before 30 November 2015
6. **agree** that the Government propose that the Bill be:
 - 6.1. referred to the Local Government and Environment committee for consideration;
 - 6.2. enacted by July 2016

Policy clarification

7. **note** that Cabinet has previously agreed that the scope of those persons who are eligible to be notified of consent applications be broadened to include owners of land subject to other redress mechanisms provided under Treaty settlements, iwi participation arrangements and any existing agreement iwi may have with a council over natural resources (such as wāhi tapu/burial grounds) for which they are treated as an affected party [CAB-15-MIN-0199.01 paragraph 52 refers]
8. **agree** to rescind the above recommendation
9. **agree** that the scope of those persons who are eligible to be notified of consent applications be broadened to include:
 - 9.1. iwi or governance entities in whose favour land is subject to nohoanga, overlay classifications, or 'vest and vest back' provisions provided by Treaty settlements; and
 - 9.2. iwi for whom a site is recognised as wāhi tapu in a plan or on the New Zealand Heritage List

IN CONFIDENCE

Removal of previously agreed policies

10. **note** that Cabinet has previously agreed to include provisions in the Bill to provide for Alternative Consent Authorities
11. **note** that I propose not to proceed with this proposal
12. **agree** to rescind the following decisions relating to Alternative Consent Authorities:
 - 12.1. CBC Min (15) 2/3 paragraphs 63 – 73
 - 12.2. CAB-15-MIN-0199.01 paragraphs 13 – 21
13. **note** that Cabinet has previously agreed to include in Part 3 of the RMA the requirement for all persons under the RMA to ensure that restrictions on land are not imposed under the RMA except to the extent that a restriction is reasonably required to achieve the purpose of the Act [CBC Min (15) 2/3 paragraph 11 refers]
14. **note** that I propose not to proceed with this proposal
15. **agree** to rescind the above decision

Previously agreed requirements for approval to introduce

16. **note** that Cabinet has previously agreed to recommendations relating to Implementation, Legislative implications, Regulatory Impact Analysis, and Commencement for the Resource Legislation Amendment Bill [CAB-15-MIN-0199.01, recommendations 74-99 refers]

Compliance

17. **note** that the Bill complies with:
 - 17.1. the principles of the Treaty of Waitangi
 - 17.2. the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993
 - 17.3. disclosure statement requirements. An agency disclosure statement has been prepared and is attached to this paper
 - 17.4. the principles and guidelines set out in the Privacy Act 1993
18. **note** that the Bill broadly meets the LAC guidelines and that any exceptions are not considered significant and are justified by the policy intent
19. **agree** that the Act will bind the Crown

Publicity

20. **agree** that the Minister for the Environment will release a high-level brochure outlining the purpose of the resource management reform and its key proposals
21. **note** that the recommendation above replaces CAB-15-MIN-0199.01, recommendation 97

IN CONFIDENCE

22. **note** that the Minister for the Environment intends to proactively release this paper, as well as the following three Cabinet papers, at an appropriate time following introduction:

22.1. *Second Phase of Resource Management Reforms: Batch 1 of Policy Decisions* [CAB Min (15) 5/11 refers]

22.2. *Second Phase of Resource Management Reforms: Batch 2 of Policy Decisions* [CBC Min (15) 2/3 refers]

22.3. *Resource Legislation Amendment Bill* [CAB-15-MIN-0199.01 refers]

Regulations and other instruments

23. **note** that the Resource Management (Forms, Fees and Procedures) Regulations 2003 and to the Resource Management (Discount on Administrative Charges) Regulations 2010 will need to be amended prior to the commencement of the relevant provisions, which will be six months after enactment.

Hon Dr Nick Smith
Minister for the Environment

____/____/____

