

Legislative Statement for the Resource Management (Freshwater and Other Matters) Amendment Bill

Presented to the House of Representatives in accordance with Standing Order 272

Overview

1. The Bill makes targeted changes to the resource management system that can take effect quickly to give certainty to councils and consent applicants and reduce regulatory burden.
2. It achieves this by amending the Resource Management Act 1991 (RMA), the National Policy Statement for Freshwater Management 2020 (NPS-FM), the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F), the Resource Management (Stock Exclusion) Regulations 2020, and the National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB).
3. The following is a brief summary of the policy contained in this Bill.

A range of time-critical changes to the RMA

4. The proposals in this Bill seek to:
 - a. **exclude the hierarchy of obligations within the NPS-FM from resource consenting:** The Bill makes it clear that resource consent applicants no longer need to demonstrate that their proposed activities follow the hierarchy of obligations in the NPS-FM.
 - b. **align the consenting pathway for coal mining with other extractive activities across national direction:** The Bill aligns the provisions for coal mining with other mineral extraction activities under the NPSIB 2023, NPS-FM 2020 and NES-F. The Bill extends the consenting pathway for coal mines to new coal mines and removes the sunset clause on consent pathways for thermal coal.
 - c. **suspend for three years local authority obligations under the NPS-IB 2023 to identify new Significant Natural Areas (SNAs) and include them in district plans:** The Bill also extends some SNA implementation timeframes to 31 December 2030.
 - d. **amend the stock exclusion regulations in relation to sloped land and the NES-F in relation to intensive winter grazing:** The Bill repeals the map of low slope land and associated requirements from the stock exclusion regulations, and the permitted and restricted discretionary activity regulations and associated conditions for intensive winter grazing from the NES-F.
 - e. **alter the process to prepare or amend national direction:** The Bill streamlines and simplifies the process for preparing and amending a

national environmental standard, national planning standard, national policy statement, or the New Zealand Coastal Policy Statement.

Implementation

5. The proposals will commence the day after the Bill receives Royal Assent. The majority of these changes will be implemented by consent authorities and local authorities.
6. Consent authorities will implement changes to:
 - a. the NPS-FM in relation to the exclusion of the hierarchy of obligations from resource consenting. These will apply only to resource consent applications lodged with a consent authority after commencement. Regional councils will remain obligated to give effect to the NPS-FM (including the hierarchy of obligations) in their policy statements and plans.
 - b. the NES-F, NPS-FM and NPS-IB in relation to coal mining. Resource consent applications for coal mining will be subject to the gateway tests and the Effects Management Hierarchy (EMH) in line with other extraction activities.
7. Local authorities will implement changes:
 - a. to the NPS-IB to suspend requirements for councils to identify and notify new SNAs for three years. These changes do not affect existing functions or requirements under other provisions of the RMA relating to indigenous biological diversity. For example, areas of significant indigenous vegetation or significant habitats of indigenous fauna are unaffected.
 - b. resulting from repealing the map of low slope land in the Stock Exclusion Regulations through regional plan rules.
 - c. resulting from repealing the intensive winter grazing activity regulations in the NES-F through farmers complying with regional plan rules. Changes will also mean relying on farmers following good management practice.
8. Central government will implement changes to the process for preparing or amending national direction by adhering to the new provisions which set out a streamlined and simplified process.