



31 January 2024

Tēnā koe

Development of fast-track consenting legislation and changes to the National Policy Statement for Freshwater Management

I am writing to advise you of the Government's plans to develop fast-track consenting legislation and introduce changes to the National Policy Statement for Freshwater Management 2020 early this year.

This follows on from my 13 December 2023 letter confirming that the Government is committed to reforming the resource management system. This began with the repeal of the Natural and Built Environment Act 2023 and the Spatial Planning Act 2023 and the retention of a temporary fast-track consenting regime.

The next phase is to introduce a permanent fast-track consenting process for locally, regionally and nationally significant infrastructure and developments. This was part of the Government's coalition agreement and will be delivered through a bill introduced in the Government's first 100 days in office, before 7 March 2024. We recognise how important these developments are for New Zealand's prosperity. That is why providing certainty and a faster consenting pathway for significant projects is a priority for us.

In the third phase of the reform, we will replace the Resource Management Act 1991 (RMA) with new resource management laws based on the enjoyment of property rights.

Proposed fast-track consenting bill

I am proposing a new bill which draws on the previous fast-track regimes and that will reflect the following:

- The new fast-track process will be contained in a standalone Act with its own purpose statement.
- Locally, regionally and nationally significant infrastructure and development projects will be prioritised.
- There will be a process for the responsible minister to refer projects for acceptance into the fast-track process, and the bill will also contain a list of projects that will be first to have their approvals granted.
- Referred projects will go to an Expert Panel, which will have limited ability to decline a project once referred and will apply any necessary conditions to ensure adverse effects of the project are managed.

The proposed Bill would contain specific protections for Treaty settlements and other Treaty-related arrangements and commitments. Projects would be assessed for their compliance with these arrangements before being referred to the Expert Panel.

The proposed Bill will set out a 'one-stop shop' process for approvals under a range of legislation, including the RMA.

National Policy Statement for Freshwater Management (NPS-FM)

In my 13 December 2023 letter, I advised we will review and replace the NPS-FM in this parliamentary term. This will be done through the RMA process for developing and amending national direction. This will take time, so we have extended the statutory deadline for councils to notify freshwater planning instruments to implement the NPS-FM by three years.

In the interim we intend to progress changes to how the hierarchy of obligations contained in Te Mana o te Wai provisions of the NPS-FM apply to consent applications and consent decisions. Our intention is that these changes will be made through a separate RMA amendment bill this year.

Next steps

Details of the fast-track consenting regime and NPS-FM changes will be worked through over the coming weeks.

To inform this work, officials will carry out targeted engagement with groups representing Māori, local government, infrastructure, development, and environmental and commercial interests, as well as technical experts. This includes the Local Government Steering Group and local government peak bodies.

There will be an opportunity to provide feedback through a select committee process which is likely to commence in March, shortly after introduction of the fast-track consenting bill.

We will make more information available as work progresses. In the meantime, should you have any questions relating to the content of this letter, please contact RM.Reform@mfe.govt.co.nz.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Chris Bishop', is written in a cursive style.

Hon Chris Bishop
Minister Responsible for RMA Reform