

I hereby give notice that an ordinary meeting of the Independent Māori Statutory Board will be held on:

Date: Monday, 4 April 2022
Time: 11:00am
Meeting Room: Online
Venue: Zoom



Independent Māori Statutory Board

OPEN AGENDA

MEMBERSHIP

Chairperson

David Taipari

Deputy Chairperson

Hon Tau Henare

Members

IMSB Member Renata Blair

IMSB Member Mr Terrence Hohneck

IMSB Member Tony Kake, MNZM

IMSB Member Josie Smith

IMSB Member Glenn Wilcox

IMSB Member Karen Wilson

(Quorum members)

David Taipari
Chairperson

22 March 2022

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Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. Should Members require further information relating to any reports, please contact the Chief Executive Officer.

TERMS OF REFERENCE



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1 Apologies

At the close of the agenda no apologies had been received.

2 Declaration of Interest

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

3 Confirmation of Minutes

That the Independent Māori Statutory Board:

- a) confirm the ordinary minutes of its meeting, held on Monday, 7 March 2022, including the confidential section, as a true and correct record.

4 Extraordinary Business

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“An item that is not on the agenda for a meeting may be dealt with at that meeting if-

- (a) The local authority by resolution so decides; and
- (b) The presiding member explains at the meeting, at a time when it is open to the public,-
 - (i) The reason why the item is not on the agenda; and
 - (ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting.”

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“Where an item is not on the agenda for a meeting,-

- (a) That item may be discussed at that meeting if-
 - (i) That item is a minor matter relating to the general business of the local authority; and
 - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- (b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.”



CEO Summary

File No.: CP2022/03417

Ngā tūtohunga Recommendation/s

That the Independent Māori Statutory Board:

- a) receive CEO summary report.

Te take mō te pūrongo Purpose of the report

1. The purpose of this report is to provide the Board with a summary of events for the reporting month.

Whakarāpopototanga matua Executive summary

2. Last month, on 07 March the Board met with Eke Panuku Board for the first engagement with a CCO Board. Key themes that resulted from the discussion included, land disposal, procurement and employment opportunities for Māori. The next CCO Board engagement is planned for May with Auckland Transport.
3. The first joint Governing Body and Board hui took place on 21st March including agenda items such as iwi relationship/engagement framework, Māori Representation in Local Government, Covid-19 impacts as well as an overview of the MAHI Strategy.
4. At the last Board hui, a query was raised regarding the status of elected members remuneration freeze. Council have advised that the Remuneration Authority determine the remuneration of elected members and Council will implement their decision. The Remuneration Authority determination is due in June.
5. Additional to this action from the previous hui, there was also a request to get more information from Eke Panuku on their process for land disposal which was circulated to Board members ahead of the Board to Board engagement.
6. The Covid-19 vaccination policy has been queried by a number of Local Board members due to the policy being more stringent than the Ministry of Health guidelines. Auckland Council have indicated that the policy was put in place during the peak of the outbreak and that it would be reviewed in due course. As information becomes available, the Secretariat will update the Board members.
7. By way of a brief update of changes in the ELT at Auckland Council, in February I was advised that Patricia Reade will be taking one year's leave from her role which has been filled with a fixed term replacement who will be Richard Jarrett. Richard was most recently an executive at Westpac New Zealand and has worked as Deputy CIO, and throughout his career has led large teams encompassing strategy and customer experience, complex service and business models, change management, technology infrastructure.
8. The Secretariat has participated in the workshops held each Friday by Local Government New Zealand regarding the Future of Local Government reform that is underway. It has been an interesting forum to hear the progression in other local authorities.
9. Attached to this report is Te Pae Whakatere, the Board's governance roadmap that includes report deliverables. Several report items for this reporting period, relate to providing the relevant updates as outlined in Te Pae Whakatere. These reports are: Customary Rights and Resource Management Act, CCO Strategy and Review update and Climate Change.



10. Recruitment of the vacant roles has progressed well with offers being made for two new appointments to existing roles. The additional role that has not been filled will become a hybrid type role which will include technical support from a consultant to assist the allocated pou and advice provided to Board members.
11. Auckland Light Rail are in the process of recruiting new Board members. The Board was approached for a member to be included on the panel. Due to this happening out of cycle of a Board meeting, Member Henare was assigned this role to represent the views of the Board and provide a te ao Māori lens in the selection process.
12. The below outlines the communications update for the reporting period. Board members have been featured in two news stories in the months of January and February. The Board Chair was mentioned in his role on the Appointments and Performance Review Committee who supported the recruitment panel, of which Member Wilcox represented the Board on, regarding the appointment of new director Julian Smith to Watercare Services Ltd in January. Deputy Chair Tau Henare is also mentioned in a RNZ 'party people' think piece on a panel in February.
13. The Board social media platforms are steady with 1635 followers on Facebook and 401 on Linked In. Website visitors have risen over the past two months with 2300 sessions and the session duration up to 1.38 secs.
14. The table below is the March Health and Safety update.

Risk Register									
Description of hazard	Location or task	Potential Harm	Risk Rating	Significant Hazard	Control method E & M	Controls applied	Frequency of monitoring	Person Responsible	
Health and Safety March Update	Change of floor levels in the entrance and from tiled area (outside kitchen) to carpeted area (resource / hallway)	Entrance	Possibility of slip / trip / fall	Low risk	Y	M	Hazard Sign posted Report lodged on system 6/5/2016 ID18728 requested assessment and mitigation	Weekly	Norelle Parker
	Doors to toilets – heavy to manage	Toilets	For small children/seni ors	Low risk	N	M	Landlord contacted	Weekly	Norelle Parker
	Chairs stored in meeting room	Meeting room	Staff	Low risk	N	M	Clear out storeroom	Weekly	Norelle Parker
	Low visibility in toilet area	Toilets	Staff, visitors	Low risk	N	M	Hazard sign posted	Weekly	Norelle Parker
	Technology cords in Boardroom	Boardroom	Possibility of slip / trip / fall	Low risk	N	M	Mats have been placed over the cords to avoid slips.	Weekly	Norelle Parker
	Lights in the Bathroom	Bathroom	Possibility of harm	Low risk	N	M	Ensure that lights are all working and cleaners don't switch them off.	Daily	Norelle Parker
Office Status Update									
Incident Report	Injury	New Hazards	First Aid course for staff completed. There are two staff members and a contractor with valid first aid certification.			The Health and Safety e-module has been completed successfully by all staff.			
Nil	Nil								



Ngā koringa ā-muri Next steps

15. The table below outlines the actions from previous Board meetings and progress updates.

Action	Responsibility	Due Date	Progress
Recirculate Covid impacts report	EA	February 2022	●
Vaccination policy update	General Manager	March 2022	●
Process of land disposal information from Eke Panuku	General Manager	March 2022	●
Board to Board hui with Eke Panuku	EA	March 2022	●
Information on the remuneration freeze for elected members and whether this will continue	General Manager	March 2022	●
Parking Strategy information to be forwarded to Planning Committee.	Miriana Knox	March 2022	●
Provide the Board with a paper that addresses Māori economic position/zones within Tāmaki Makaurau <i>Note: this action will be reallocated to the next FY due to the trade-off of the impacts of Covid19 report.</i>	General Manager	FY23	●

Action List Key

Completed



In progress -
on time for delivery



Behind schedule –
no major risk



Behind schedule – major risk



Ngā tāpirihanga Attachments

No.	Title	Page
A	Te Pae Whakatere	11

Ngā kaihaina Signatories

Authors	Leesah Murray - Independent Māori Statutory CEO
Authorisers	Leesah Murray - Independent Māori Statutory CEO



TE PAE WHAKATERE



Item 5

Attachment A

	Kia ora Tāmaki Makaurau priority	Key Focus 'Owner' Council group	Key Relationship(s)	Appointments & Performance	Auckland Domain	Audit & Risk	CCO Oversight	Civil Defense & Emergency	Environment and Climate Change	Finance and Performance	Joint Governing Body	PACE	Planning	Regulatory	Strategic Procurement	Board Actions	A/I/P
Cultural	Marae development	Kia ora te Marae	Customer & Community Services (C&CS)	Māori Outcome Lead - C&CS												Advocate the necessary infrastructure to support the on-going use of marae - Review progress made against Marae Needs Assessment and advocate Council to assess prioritising of funding	A
	Te Reo Māori	Kia ora te Reo	Ngā Mātārae	Mātanga - Tikanga me Te Reo Māori												Ensure Council group's Te Reo Māori policies are implemented, monitored and include the integration of te reo Māori on all public transport, venues and places - Affirm and seek an annual review of Te Reo Action Plan 2020-23 with proposed updates	I
	Distinctive Identity	Kia ora te Ahurea	Chief Planning Office (CPO)	Māori Outcome Lead - CPO												Promote the use of the values reports to inform wellbeing outcomes - Develop a position on Māori Urban Design including identifying areas for increased funding	P
Social	Arts & Culture (3)	Kia ora te Ahurea	Chief Planning Office (CPO) Auckland Unlimited	Māori Outcome Lead - CPO												Te Pae Tawhiti 2022 - 2025	
	Communities	Kia ora te Whānau	Customer & Community Services (C&CS)	Māori Outcome Lead - C&CS												Advocate for funding for Māori communities in order to support and increase Māori Outcomes	A
	CCO - Transport		Auckland Transport	Māori Responsiveness Programme Manager												Contribute to the Auckland Transport Alignment project political working group for inclusion of Māori Outcomes - Require a review of work on socio-economic effects; consider impacts on specific Māori communities - Develop a relationship management plan with advocacy areas	P
	CCO - Development		Eke Panuku	Head of Māori Outcomes												Advocate for the release of unused Council land to be utilised towards advancing the interests of Māori in Tāmaki Makaurau.	A
	CCO - Strategy/ Review (18)		Governance	Manager CCO/ External Partnerships												Ensure the relevant CCO review recommendations are closed while promoting Māori on the Board of CCO's - Assess and update Board position for CCO Review recommendations regarding strategy, measures and Māori engagement - Develop CCO advocacy plans	A
	Māori Representation	Kia Hāngai te Kaunihera Kia ora te Hononga	Group Services Ngā Mātārae	Māori Outcome Lead - Group Services Head of Māori Strategic Relationships & Partnerships												Influence the communication, engagement and education to support Māori to stand for general elections and senior Council group positions - Develop a report for enhancing Māori representation including a communications plan	P
	Papakāinga Housing (3)	Kia ora te Kāinga	Regulatory Services	Māori Outcome Lead - Reg. Services												Te Pae Tawhiti 2022 - 2025	
	Cultural & Spiritual	Kia ora te Marae	Customer & Community Services (C&CS)	Māori Outcome Lead - C&CS												Te Pae Tawhiti 2022 - 2025	
	CCO - Economic	Kia ora te Umanga	Auckland Unlimited	Head of Māori Outcomes												Monitor Auckland Council group's economic development action plans and the impact they have on Māori business in Tāmaki Makaurau	I
	Economic Development	Kia ora te Umanga	Auckland Unlimited	Head of Māori Outcomes												Promote the implementation of an event focused on the impact of Covid-19 to Māori business and economy - Advocate that all significant events to showcase Māori culture and use te reo Māori/bilingual signage	I
Economic	Emergency Housing (18)	Kia ora te Kāinga	Regulatory Services	Māori Outcome Lead - Reg. Services												Influence a collective community project that addresses emergency housing in Tāmaki Makaurau as an initial pilot for Council to consider	A
	Affordable Housing	Kia ora te Kāinga	Regulatory Services	Māori Outcome Lead - Reg. Services												Advocate and support the establishment of a Māori community housing provider, strategies and policies for Māori to have a wider range of culturally appropriate, quality, affordable and accessible housing options available - Council to regularly report on all areas of housing for Māori in Tāmaki Makaurau	A
	Thriving Business Networks	Kia ora te Umanga	Auckland Unlimited	Head of Māori Outcomes												Increase Māori business and professional participation in the procurement process of Council group's services and advocate social procurement spend for Māori - Require a report outlining social procurement across Council group - Assess Auckland Unlimited Covid-19 response including support to Māori businesses in key sectors	I
	Tamariki & Rangatahi (2)	Kia ora te Whānau Kia ora te Rangatahi	Customer & Community Services (C&CS) Ngā Mātārae	Māori Outcome Lead - C&CS Head of Māori Strategic Relationships & Partnerships												Te Pae Tawhiti 2022 - 2025	
	Tourism (3)	Kia ora te Umanga	Auckland Unlimited	Head of Māori Outcomes & Relationships												Te Pae Tawhiti 2022 - 2025	
	Sites of Significance	Kia ora te Ahurea	Chief Planning Office (CPO)	Māori Outcome Lead - CPO												Monitor the Māori provisions of the Unitary Plan to ensure kaupapa such as wāhi tapu are protected and other relevant outcomes are monitored and reported by Council - Business case on protecting and celebrating Māori Cultural Heritage (MCH) - Advocate for non-regulatory instruments and use of cultural landscapes	A
	Customary Rights	Kia ora te Taiao	Infrastructure & Environmental Services (I&ES)	Māori Outcome Lead - I&ES												Support the development, use and integration of iwi management plans into Council group activities and monitor reports - Develop a position and advocate on specific areas of the Resource Management Act reform	A
Environment	CCO - Water	Kia ora te Taiao	Watercare Infrastructure & Environmental Services (I&ES)	Poutiaki, Tikanga Māori Māori Outcome Lead - I&ES												Develop a wai advocacy plan for Council group to highlight the importance of water to Māori in Tāmaki Makaurau - Advocate for the water targeted rate to be applied to Māori led projects	A
	Climate Change	Kia ora te Taiao	Infrastructure & Environmental Services (I&ES)	Māori Outcome Lead - I&ES												Monitor the implementation of Te Taruke a Tāwhiri action plan on climate change and prioritise Māori in decision making	I
	Built Environment (3)	Kia ora te Ahurea	Chief Planning Office (CPO)	Māori Outcome Lead - CPO												Te Pae Tawhiti 2022 - 2025	
	Advocate or influence: A Information: I Position: P																

Board Agendas	June	July	August	September	October	November	December	January	February	March	April	May	June	July	August	September	October	November	December
Key Focus Areas/ Actions/Reports	Te reo Māori			Water	Distinctive Identity - Māori Urban Design	Emergency Housing	Te reo Māori Marae Development			CCO Economic	CCO Strategies/ Review	Development - Social Housing	Te reo Māori	Sites of Significance	Thriving Business Networks				Te reo Māori
Secretariat Items/ Instruments	2021 Update IOS		He Waka Kōtuiti (Treaty Audit)		Economic Development	CCO Advocacy	Māori Outcomes Expenditure Māori Wards		Annual Report	Draft Budget FY23	Climate Change	Affordable Housing	Transport						
	Te Pae Tata		Communication Strategy Yearend Audit Plan		Draft Annual Report (front section)	Yearend Audit			Annual Report	Draft Budget FY23			Approve Funding Agreement	Yearend Audit Plan				Draft Annual Report	Yearend Audit



Financial Report January and February 2022

File No.: CP2022/02772

Ngā tūtohunga Recommendation/s

That the Independent Māori Statutory Board:

- a) receive the Financial Report for January 2022.
- b) receive the Financial Report for February 2022.

Te take mō te pūrongo Purpose of the report

1. The purpose of the report is to present the Independent Māori Statutory Board's (the Board) financial positions as at 31 January 2022 and 28 February 2022.

Whakarāpopototanga matua Executive summary

January Year-to-Date Commentary

2. Net operating expenditure is \$454K favourable to budget [Act \$1.28m vs Bud \$1.73m] made up of:
 - Staff costs is \$126K favourable to budget – resulting from vacancies savings, offset by temporary staff hired to carry out BAU work \$76K.
 - Annual leave costs are unfavourable by \$14K due to staff not taking leave and recruitment costs.
 - Professional Services is \$232K favourable to budget made up of:
 - Consultancy - \$171K favourable due to timing of incurring costs and budget phasing.
 - Engagement and reporting – \$28K due to communication services, reporting highlighting covid impact.
 - Legal and Planning - \$33K favourable for legal advice due to budget phasing.
 - Other expenditure on activities is \$8K favourable due to office costs, catering, telecommunication costs and marketing and advertising expense.
3. Board costs is \$28K favourable to budget made up of:
 - Board member remuneration is \$3K overspend and other costs is \$3K underspend.
 - Board member travel is \$28K favourable due to COVID travel restrictions.

February Year-to-Date Commentary

4. Net operating expenditure is \$559K favourable to budget [Act \$1.43m vs Bud \$1.99m] made up of:
 - Staff costs is \$242K favourable to budget – resulting from vacancies savings \$368K, offset by temporary staff hired to carry out BAU work \$87K.
 - Annual leave costs are unfavourable by \$7K due to staff not taking leave and recruitment costs.
 - Professional Services is \$245K favourable to budget made up of:

- Consultancy - \$207K favourable due to Covid 19 delays and contract set up.
 - Engagement and reporting – \$5K unfavourable due to unbudgeted Tāmaki Makaurau reporting highlighting covid impacts.
 - Legal and Planning - \$42K favourable for legal advice due to lower project spending.
 - Other expenditure on activities is \$40K unfavourable to budget due office costs, catering, strategic communication advice, telecommunication costs and marketing and advertising expenses.
5. Board costs is \$33K favourable to budget made up of:
- Board member remuneration and other costs are \$1K overspend.
 - Board member travel is \$32K favourable due to COVID travel restrictions.

Full Year Forecast:

6. The forecast net operating expenditure is \$0.68m favourable to budget [Forecast Act\$2.38m vs Bud \$3.03m] made up of:
- Staff costs to be \$400k favourable to budget as a result of current vacancies and recruitment plan of 3 consultants to cover FTE to start in April. Staff hire is delayed due to the market and getting the right specialist to fill vacant roles.
 - Non-staff costs including Professional services, other expenditure, and Board remuneration costs based on YTD and to be confirmed with workplan.

Ngā tāpirihanga Attachments

No.	Title	Page
A	Financial Report January 2022	15
B	Financial Report February 2022	17

Ngā kaihaina Signatories

Authors	Norelle Parker - Executive Assistant
Authorisers	Leesah Murray - Independent Māori Statutory CEO



Financial Performance Dashboard as at January 2022

Independent Māori Statutory Board

GL Code - Account	Month		Year to Date				Full Year					
	Actual	Revised Budget	Actual	Revised Budget	Variance	Prior Year Actuals	Forecast	Revised Budget	Variance	Annual Plan	Prior Year Actuals	Notes
40010 -Staff	53	113	644	830	186	643	1,021	1,421	400	1,421	1,146	
Professional services	0	42	105	337	232	248	422	655	234	655	534	
40410 - Consultancy	0	34	66	237	171	149	233	405	172	405	418	
40451 - Engagement and Reporting	0	5	27	56	28	94	91	120	29	120	94	
40610 - Legal and Planning	0	3	7	40	33	5	77	110	33	110	6	
40710 - Audit	0	0	5	5	0	0	20	20	0	20	16	
45290 - Other expenditure on activities	3	10	56	64	8	75	56	99	43	99	157	
Board Costs	64	69	470	498	28	450	844	850	6	850	771	
Net operating expenditure/(revenue)	120	233	1,275	1,729	454	1,416	2,343	3,026	683	3,026	2,607	



Financial Performance Dashboard as at February 2022
Independent Māori Statutory Board

GL Code - Account	Month		Year to Date				Full Year					Notes
	Actual	Revised Budget	Actual	Revised Budget	Variance	Prior Year Actuals	Forecast	Revised Budget	Variance	Annual Plan	Prior Year Actuals	
40010 -Staff	56	112	700	942	242	727	1,021	1,421	400	1,421	1,146	
Professional services	11	72	164	409	245	290	456	655	200	655	534	
40410 - Consultancy	1	34	63	270	207	190	233	405	172	405	418	
40451 - Engagement and Reporting	10	25	85	81	-5	94	125	120	-5	120	94	Note1
40610 - Legal and Planning	0	13	11	53	42	6	77	110	33	110	6	
40710 - Audit	0	0	5	5	0	0	20	20	0	20	16	
45290 - Other expenditure on activities	26	10	35	74	40	73	56	99	43	99	157	
Board Costs	61	66	530	564	33	508	844	850	6	850	771	
Net operating expenditure/(revenue)	155	260	1,430	1,989	559	1,598	2,377	3,026	649	3,026	2,607	

Note 1 – Engagement and reporting is \$5K unfavourable due to unbudgeted report highlighting covid impact.



Cultural Update

File No.: CP2022/03185

Ngā tūtohunga Recommendation/s

That the Independent Māori Statutory Board:

- a) receive the Cultural update report.

Te take mō te pūrongo Purpose of the report

1. The purpose of this report is to update the Independent Māori Statutory Board (the Board) on the cultural priority that is part of the Board's work programme.

Whakarāpopototanga matua Executive summary

2. The Secretariat will utilise opportunities across their respective work programmes to address the Board's cultural priority.
3. Within the cultural priority there are three key focus areas of the Board's Issues of Significance (IoS) and each area has a corresponding action.
4. The key focus areas are:
 - Marae Development – Advocate the necessary infrastructure to support the on-going use of marae.
 - Te Reo Māori – Ensure Council group's Te Reo Māori policies are implemented and monitored, and integration of Te Reo Māori on all public transport, venues and places.
 - Distinctive Identity – Promote the use of the value reports to inform wellbeing outcomes.

Horopaki Context

Marae Development

5. The Cultural Initiatives Fund (CIF) opened on 14 February and closed on 27 March 2022. The purpose of the fund is to enable thriving and self-sustaining marae and to establish papakāinga and Māori housing across Tāmaki Makaurau.
6. The fund provides support to iwi and mātāwaka marae in the development of capital works for example, asset installation and maintenance work and strategic planning such as governance and financial management.
7. The fund supports papakāinga development with the ability to support feasibility studies, strategic planning, concept design and regulatory and development contribution costs.
8. This fund is separate from the Marae Infrastructure Programme (MIP) which is a non-contestable fund that primarily supports the physical infrastructure development of marae. Both funds are part of the Māori outcomes funding in the Long-term Plan 2021-2031.
9. A preliminary update on the CIF applications will be provided to the Board at the May meeting. A subsequent update will then be provided to the Parks, Arts, Community and Events Committee in June 2022.

10. Auckland Council developed an ICT initiative to support marae in their provision of support to whānau under the Covid-19 alert level settings. The ICT team sourced 33 recycled mobile devices to enable marae to access the 'NZ Vaccine Pass' within their marae.

Te Reo Māori

11. Recruitment continues for the Council role of Matanga Reo and Tikanga Māori with one of the two roles filled through an internal recruitment process. These roles provide the leadership in the implementation of Councils Te Reo Māori Action Plan and lead the Kia ora Te Reo outcome area of Kia Ora Tāmaki Makaurau.
12. Council continues to review its Te Reo Māori Action Plan. The review is due to be completed in quarter three of FY22. Supporting intervention logic models are in development to support Council's delivery of the action plan.
13. The Secretariat is providing support to the review by way of advice and guidance on alignment to the Boards instruments.
14. Bilingual signage continues to be developed and implemented across Council facilities.
15. Council's internal process for te reo Māori translations has been updated. The translation service is being provided by Kounga Limited a collective group of te reo Māori specialists.
16. All translations are compliant with Te Taura Whiri i te Reo Māori translation guidance and Council's wider communication guidelines.

Distinctive Identity

17. The Reactivating Tāmaki Makaurau programme continues to support Auckland's recovery from the impact of Covid-19. The programme includes three components:
- Explore Tāmaki Makaurau voucher programme
 - Local Activation Fund
 - Contestable Discount Programme
18. The Explore Tāmaki Makaurau voucher programme supports Auckland's recovery through the provision of vouchers for whānau and individuals to activities and attractions throughout Tāmaki Makaurau. The provision of vouchers is determined by random selection through whānau or individuals registering their details online.
19. The final issue of Explore Tāmaki Makaurau vouchers for registration were released online on Tuesday 1 March 2022.
20. The programme has had 225,226 Aucklanders registering with the programme and 56,900 individual tickets booked using the vouchers since its release date in January. The programme has supported over 100 businesses in Tāmaki Makaurau.
21. The Local Activation Fund has been paused due to the red alert level setting of the Covid-19 Protection Framework within Tāmaki Makaurau.
22. The fund aims to increase arts and cultural events for Tāmaki Makaurau whānau. The fund supports the development of new arts and culture programming, the enhancement of existing arts and cultural programming and supports community outreach and activation.
23. Since December 2021 there have been 53 applications approved for funding. 20 events have commenced with an additional 27 events able to proceed under the red alert level setting. Further information regarding the funded events will be provided to the Board at the close of the Fund.
24. The \$3m Contestable Discount Programme has been paused due to being in the red light setting of the Covid-19 Protection Framework. The fund is available to Council, community and commercial owned or operated cultural and recreational facilities and programmes widely accessible to the community.
25. Funding supports discounted fees or free entry to eligible facilities or activities hosted in those facilities. Further information on successful applicants will be made available to the Board throughout the year.



26. The Thriving Communities (Ngā Hapori Momoho) Strategy was adopted at the Parks, Arts, Communities and Events (PACE) Committee meeting held on 10 February 2022. Ngā Hapori Momoho is Auckland Council's strategic action plan for community and social wellbeing. The plan sets out a high-level direction for Auckland Council towards a 'fairer, more sustainable Tāmaki Makaurau where every Aucklanders belongs.'
27. The strategy includes four main outcomes that form building blocks for thriving communities. These outcome areas have been built and developed from the Board's policy instruments including The Māori Plan and the Board's Values reports.
28. The strategy will be supported by an implementation plan and monitoring framework. The implementation plan and monitoring framework will be presented to the PACE committee in July 2022.
29. The second round of Regional Events Programme funding of \$179,500 was approved at the PACE Committee on 10 February 2022.
30. The Regional Events Fund supports the delivery of regional events that showcases the distinctive identity of Tāmaki Makaurau and supports Council strategic outcomes including sport and recreation, arts and culture and community development.
31. Eight events were recommended and approved for funding with three of these events outlining a commitment to delivering Māori outcomes.
32. Auckland Unlimited has commissioned the 'Reimagining Tāmaki Makaurau Auckland' report developed by Koi Tū: The Centre for Informed Futures.
33. The report provides nine provocations for central and local government, iwi and the private sector to consider in the development of Tāmaki Makaurau. The provocations consider development beyond planning requirements and provide potential pathways to accelerate the development of Tāmaki Makaurau over the next 100 years. It is important to note that the Secretariat were not involved in this report nor was there any approach for input.
34. Following the cancellation of 'The Music in Parks' series the event transitioned to a new online offering with a series of eight virtual concerts available throughout March and April profiling New Zealand's musical talent.
35. The initiative developed in partnership with E Noho and Money for Jam comprises of eight episodes between 12 and 30 minutes and features performances and interviews from the 2022 'Music in Parks' schedule of artists. The episodes will be made available on the Auckland Council Facebook page in due course.
36. The 'World of Culture's festival ran from 18 March to 3 April. The event celebrated and recognised the diverse cultures of Tāmaki Makaurau.
37. The event included two key Māori events Te Pā Harakeke delivered in Wynyard Quarter and featured Māori artists, entertainment and crafts and Te Pā Nui delivered at Mount Roskill War Memorial Hall which featured a series of cultural workshops and panel discussions.

Ngā koringa ā-muri

Next steps

38. The Secretariat will liaise with Council staff to receive information on the Cultural Initiatives Fund.
39. The Secretariat will continue to provide advice on the review of Councils Te Reo Māori Action Plan.
40. The Secretariat will engage with Council staff in the development of the Implementation and Monitoring and Evaluation framework for Ngā Hapori Momoho.

Ngā tāpirihanga Attachments

There are no attachments for this report.

Ngā kaihaina Signatories

Authors	Jett Sharp - Senior Advisor
Authorisers	Theresa Roigard - General Manager Advisory & Performance



Social Update

File No.: CP2022/03207

Ngā tūtohunga Recommendation/s

That the Independent Māori Statutory Board:

- a) receive the Social update report.

Te take mō te pūrongo Purpose of the report

1. The purpose of this report is to update the Independent Māori Statutory Board (the Board) on the social priority that is part of the Board's work programme.

Whakarāpopototanga matua Executive summary

2. The Secretariat will utilise opportunities across their respective work programmes to address the Board's social priority.
3. Within the social priority there are five key focus areas of the Board's Issues of Significance (IoS) and each area has a corresponding action.
4. The key focus areas are:
 - Communities – Advocate funding for Māori communities in order to support and increase Māori outcomes.
 - CCO Transport – Contribute to the Auckland Transport (AT) Alignment project political working group for inclusion of Māori outcomes.
 - Māori Representation – Influence the communication, engagement and education to support Māori to stand for general elections and senior Council group positions.
 - CCO Development (Eke Panuku) – Advocate for the release of unused Council land to be utilised towards advancing the interests of Māori in Tāmaki Makaurau.
 - CCO Strategy/Review – Ensure the relevant CCO review recommendations are closed while promoting Māori on the Board of CCO's across the group.

Horopaki Context

Communities

5. At the February Board meeting further information was requested in relation to whether Council has a strategy or policy in place for unvaccinated members of our communities who utilise Council facilities. As of March, Council does not have any form of policy or strategy in place or being developed.
6. Council provided the Secretariat the approach for each activity that is facilitated by their Community and Customer Services directorate. Some events have been scaled back or cancelled due to shortage in frontline Council staff.
7. The Auckland Council Strategic Advice team have undertaken an assessment on each of the 21 Local Boards. The purpose of this assessment was to review, integrate and consolidate regional and local policy and strategy directions to provide clarity and an understanding of what they mean at a local board level.

8. From this assessment a dashboard is being created for each of the local boards. It shows the interconnectedness of each contributing strategy and plan and how these are delivering for local communities. The dashboard provides an overview of how Council is delivering on Māori outcomes, gaps and areas of opportunity in preparation for the next local board planning.
9. The Māori Outcomes portfolio is about to undergo a reset on the current approach, including the operational governance, application of the Māori Outcomes Fund and the effectiveness of the wider Māori Outcomes being delivered by the Council Group.
10. A working session is being arranged for the Māori Outcomes Steering Group of which the Secretariat is a member.

CCO Transport

11. Auckland Transport and Council are in early engagement with various stakeholders on the Transport Emissions Reduction Plan (TERP). Engagement is being held during February to April 2022. An initial meeting with iwi was held on 18 March and other hui are expected to be held with mātāwaka entities, dates to be confirmed. The next Reference Group meeting is scheduled for 4 April 2022.
12. In March, Member Wilcox participated in a Auckland Transport panel hearing on the 'Activities in the Road Corridor Bylaw 2022.' The purpose of this proposed bylaw is to consolidate and update five bylaws which are either expired or will expire in 2022. The five bylaws that AT regulates activities for relates to Auckland's transport system, including: construction related activities, livestock on roads, trading and events in public places and public safety and nuisance relating to roads. At the hearing only some of the responses received were made available as iwi and local board feedback is still to be received. The Board of Auckland Transport will approve the final bylaw in May 2022.

Māori Representation

13. In December 2021 the Māori Representation in Auckland's Governance was tabled at the meeting of the Governing Body. One of the recommendations was to bring back to the Governing Body a timeline of Māori engagement on the Māori representation models.
14. Council met with the Secretariat in March to provide the timeline for Māori engagement on the models for Māori representation for the 2025 Local Government elections. Engagement with Māori is scheduled to commence between April and August 2022.
15. Council has indicated that an update on the engagement will be provided at the joint meeting of the Independent Māori Statutory Board and Governing Body in June 2022.
16. At the March joint meeting of the Governing Body and Independent Māori Statutory Board, Council provided an update on its programme to support Māori to participate and stand in the 2022 Local Government elections.
17. The Future of Local Government Review panel continues to meet with Local Authorities and Stakeholders throughout Aotearoa. An overview of the 'Future of Local Government' review and initial draft report is included within the April Board agenda. For further detail please refer to the 'Future of Local Government' report.

CCO Development

18. At the February Board meeting further information was requested in relation to the disposal of unused Council land and how engagement with iwi is undertaken when Eke Panuku is going through this process.
19. Eke Panuku provided a written response to the Secretariat outlining the approach it takes when disposing of Council unused land. This response was circulated to Board members on Friday 4 March 2022 and is also attached to this pou report as Attachment A.
20. The meeting of the Independent Māori Statutory Board and Eke Panuku Development Auckland Board was held on Monday 7 March 2022. The next Board CCO meeting is currently planned for May with Auckland Transport.



CCO Strategy/Review

21. The Secretariat have been participating in the CCO review recommendations alongside the Council Group representatives. Included in this Board agenda pack is an update on the CCO review that provides further detail.

Ngā koringa ā-muri Next steps

22. The Secretariat will continue to work across the Council Group to monitor progress against the Board's social priorities and provide an update at the Board's next meeting in May 2022.

Ngā tāpirihanga Attachments

No.	Title	Page
A	Eke Panuku – Unused Council Land	27

Ngā kaihaina Signatories

Authors	Kelvin Norgrove - Policy Project Manager Theresa Roigard - General Manager Advisory & Performance
Authorisers	Theresa Roigard - General Manager Advisory & Performance



Memorandum

To Board Members
From Leesah Murray
CC Theresa Roigard
Date 04 March 2022
Subject Query from the February Board meeting - Unused Council Land

Purpose

1. To provide the Board with an update on the processes and engagement with Māori when Eke Panuku is disposing/selling unused council land.

Summary

2. The Eke Panuku property process involves two steps:
 - i. Stage one – rationalisation
 - ii. Stage two – disposals.
3. **The due diligence phase (rationalisation)** - Auckland Council attempts to maintain a property portfolio that suits its needs. If a property is no longer strategically aligned with the council's purpose, Eke Panuku (on behalf of the council) will sell surplus land for reinvestment.
4. There are several steps through the rationalisation process:
 - a. **Internal review** (i.e., desktop research, looking up property title, investigating Public Works Act 1981 offer back requirements, tracking down previous owners).
 - b. **Alternative council uses** (i.e., ask the Auckland Council Group if they need the land for alternative uses).
 - c. **Engaging mana whenua.** Eke Panuku also ask mana whenua if they have any cultural interests that would prevent the site from being sold.
 - d. **Engaging local boards.** Eke Panuku then seek the views of the relevant local board about the sale of the property.
 - e. **Sign-off from the Governing Body.** Eke Panuku seek permission from the Finance and Performance committee to sell council-owned land. This must happen before we can sell a site.
5. **The process to sell land (disposals)** - Internally, after the Governing Body has approved the sale of land, the site moves from our Property Optimisation team to the Disposals/Development team.
6. There are several steps to the development process:
 - a. **Statutory processes.** Eke Panuku navigate the Public Works Act 1981, Reserves Act 1977, and Local Government Act 2002 constraints on the site.
 - b. **Notifying mana whenua.** Eke Panuku notify mana whenua the site has been approved for sale by the Governing Body (this happens at a six-monthly meeting with our Chief Executive and GM Development).
 - c. **Eke Panuku board approve the go-to-market strategy.** Eke Panuku Board reviews the essential outcomes, evaluation criteria, and the go to market process.
 - d. **Appointing a real estate agent or facilitating a limited contestable process with mana whenua.** Eke Panuku will then appoint a real estate agent (e.g., Bayleys) to sell the site on the market or they will

invite mana whenua to participate in a limited contestable process. If mana whenua are not interested in the site, then they will sell the site on the market.

- e. **A developer is appointed.** Eke Panuku appoints a developer and Eke Panuku work with them to ensure the essential outcomes are delivered. Often, this involves facilitating engagement with mana whenua to ensure that their aspirations are catered for within the development.
7. Over the last few years, Eke Panuku have worked to improve the commercial opportunities they present to mana whenua. In the past, they would give mana whenua six weeks' notice before they appointed a real estate agent to sell the property. Although early notice gives mana whenua a head start, they were still competing against private developers to buy sites.
8. In response, Eke Panuku Board adopted a Selecting Development Partners Policy, which permits Eke Panuku to sell sites directly to mana whenua provided they can deliver essential outcomes known as a limited contestable process. However, the policy doesn't say which sites should be sold exclusively to mana whenua, which has led to recent confusion.
9. Eke Panuku has started to adopt weighted criteria to support mana whenua during a market process.
10. Based on current practice, mana whenua do not have certainty about which sites will become:
 - a. An exclusive commercial opportunity
 - b. A market opportunity with a beneficial weighting for Māori developers
 - c. A straight market opportunity.
11. In December 2021, the Eke Panuku board had a strategy day to consider how to engage with mana whenua.

Next Steps

12. Board is meeting with Eke Panuku Monday 07 March 2022.



Economic Update

File No.: CP2022/03299

Ngā tūtohunga Recommendation/s

That the Independent Māori Statutory Board:

- a) receive the Economic Update report.

Te take mō te pūrongo Purpose of the report

1. The purpose of this report is to update the Independent Māori Statutory Board (the Board) on the economic priority that is part of the Board's work programme.

Whakarāpopototanga matua Executive summary

2. The Secretariat will utilise opportunities across their respective work programmes to address the Board's economic priority.
3. Within the economic priority there are five key focus areas of the Board's Issues of Significance (IoS) and each area has a corresponding action.
4. The key focus areas are:
 - CCO Economic (Auckland Unlimited) – Monitor the new Māori Economic development strategy and the impact it has on Māori business in Tāmaki Makaurau.
 - Economic Development – Promote the implementation of an event focused on the impact of Covid-19 to Māori business and economy.
 - Emergency Housing – Influence a collective community project that addresses emergency housing in Tāmaki Makaurau as an initial pilot for Council group to consider.
 - Affordable Housing – Advocate and support the establishment of a Māori Community housing provider, strategies and policies for Māori to have a wider range of culturally appropriate, quality, affordable and accessible housing options available.
 - Thriving Business Networks – Increase Māori business and professionals' participation in the procurement process of Council group's services and advocate social procurement spend for Māori.

Horopaki Context

CCO Economic (Auckland Unlimited)

5. At the February Board meeting further information was requested in relation to the Activate Tāmaki Makaurau programme that is being delivered by Auckland Unlimited on behalf of the government.
6. Auckland Unlimited alongside Whāriki Māori Business Network and Amotai have set a goal of supporting 1,000 Māori businesses with an allocation of \$5.65m. This equates to 8.5 percent of the total Activate Tāmaki Makaurau budget of \$60m.
7. To determine a Māori business, Auckland Unlimited requests that businesses self-identify through the registration process. The question asked in the process is, 'Do you consider

your business to be a Māori business on account of your philosophy, ownership, employees and/or management practices?'.

8. As at the close of the application process on 17 February 2022, 1,129 Māori businesses have registered for Business Advice and Implementation Grants. This figure represents approximately 10 percent of the total 11,662 registrations received.
9. Of the total number of registered Māori businesses, 167 have a net revenue above \$1m and 962 have a net revenue below \$1m.

Economic Development

10. The funding envelope allocated to Te Matatini Herenga Waka Herenga Tangata 2023 has been confirmed by Auckland Unlimited. Funding provided by the Māori Outcomes fund has been returned for FY22 on the provision that the same amount is returned to the event in FY23.
11. Auckland Unlimited are providing an update to staff across the Council Group, including the Secretariat on Te Matatini Herenga Waka Herenga Tangata 2023. As this update falls after the Board agenda has been released, the Secretariat will provide an update on Te Matatini at the May Board meeting.

Emergency Housing

12. Council has received feedback from the homelessness sector requesting that central and local government be more flexible in their funding provision to better support initiatives that immediately respond to and prevent homelessness during the Covid-19 Omicron outbreak in Tāmaki Makaurau.
13. Based on this feedback Council has reset the Mayoral Homelessness Fund for FY22 to a flexible funding model for the allocation of the \$500K. Council expects to have completed allocation of these funds during March and April 2022.
14. Council is in discussion with outreach services across the region, including Māori services (Te Ha Ōranga, Kāhui Tu Kaha) who engage directly with whānau with a view of contracting these organisations that can deliver to meet the immediate needs of whānau at this time.
15. Following on from the Board's approval and endorsement at the November 2021 Board meeting of a marae-led community pilot project to address emergency housing, the Secretariat has met with Council staff to promote this advocacy opportunity.

Affordable Housing

16. Te Matapihi undertook and completed a registered Community Housing Provider (CHP) survey. The survey had 11 questions that were intended to capture the sector's experience of achieving and maintaining CHP status, the benefits and challenges, advice for emerging CHPs and their experience of engaging with the Community Housing Regulatory Authority (the authority responsible for registering and monitoring CHPs).
17. The survey was sent to all registrants and Te Matapihi received a response rate of over 30 percent. Te Matapihi are developing a summary of responses to share with the survey participants and also intend to condense the responses to produce a case study.
18. Te Matapihi has met with two emerging CHPs and advised that the applicants both have the same constraints to progress their application. They have identified that capacity is an issue and are unable to dedicate a resource to support the application process. For new and small entities, the application process is a significant time commitment.
19. After several postponements the second CHP wānanga has been tentatively set for the middle of April (20th - 22nd) and has been adapted to an online format. The wānanga will be separated into three-day morning sessions.

Thriving Business Networks

20. Council's procurement department are piloting a new approach to the Request for Proposal process to include a verbal tendering method for working with small-medium Construction companies.



21. This method is in addition to the current procurement process however it allows for a different format in how suppliers submit their business proposal to Council. It will create opportunities for companies to win low value projects (less than \$300K) and medium value projects (valued at \$300K to \$1m).
22. The initiative named 'kanohi ki te kanohi' is currently being piloted with the Marae Infrastructure Programme on the Reweti Marae Upgrade project. This was the first verbal tender that Council facilitated and the invitation to submit a tender was solely for Māori owned businesses.
23. As of February, Council has seen an increase in spend with Māori owned businesses. To date the increase has risen from 0.94 percent to 1.19 percent which forecasts an additional \$2.2m to be spent with Māori suppliers this financial year.
24. As part of Council's Value for Money programme some Council Group services will be consolidated into a shared service model, including procurement services. Council is scheduled to provide an update on the effectiveness and the outcomes of the delivery of the group's services procurement to the Strategic Procurement Committee in July.
25. The Whāriki Māori Business Network has significantly expanded the network database to 3,296 Māori owned businesses within Tāmaki Makaurau.
26. Discussions are underway between the Activate Tāmaki Makaurau partners, including Auckland Unlimited and Amotai to better understand the needs of these businesses and determine longer-term support post Activate Tāmaki Makaurau.

Ngā koringa ā-muri

Next steps

27. The Secretariat will continue to monitor the Activate Tāmaki Makaurau fund and provide an update to the Board at the May meeting.
28. Council will provide the Secretariat with detail on final recipients and allocated funding of the Mayor's homelessness fund at the end of April. This update will be provided to the Board at the June Board meeting.

Ngā tāpirihanga

Attachments

There are no attachments for this report.

Ngā kaihaina

Signatories

Authors	Theresa Roigard - General Manager Advisory & Performance
Authorisers	Theresa Roigard - General Manager Advisory & Performance



Environment Update

File No.: CP2022/03302

Ngā tūtohunga Recommendation/s

That the Independent Māori Statutory Board:

- a) receive the Environment update report.

Te take mō te pūrongo Purpose of the report

1. The purpose of this report is to update the Independent Māori Statutory Board (the Board) on the environment priority that is part of the Board's work programme.

Whakarāpopototanga matua Executive summary

2. The Secretariat will utilise opportunities across their respective work programmes to address the Board's environment priority.
3. Within the environment priority there are four key focus areas of the Board's Issues of Significance (IoS) and each area has a corresponding action.
4. The key focus areas are:
 - Sites of Significance – Monitor the Māori provisions of the Unitary Plan to ensure Kaupapa such as wāhi tapu are protected and other relevant outcomes are monitored and reported by council.
 - Customary Rights – Support the development, use and integration of iwi management plans into Council group activities and monitor reports.
 - CCO Water (Watercare) – Determine a water position to advocate to Council group on the importance of water to Māori in Tāmaki Makaurau.
 - Climate Change – Monitor the implementation of Te Tāruke-a-Tāwhiri: Auckland's Climate Plan on climate change and prioritise Māori in decision making.

Horopaki Context

Sites of Significance: New housing rules for Auckland

5. In April 2022, Auckland Council will be asking Aucklanders for feedback on proposed changes to the Auckland Unitary Plan to allow for more housing at greater heights and density. In the past two years central government has introduced two key directions on intensification in urban areas. The National Policy Statement on Urban Development (NPS-UD) and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 require Councils to change their planning rulebooks and enable higher-density housing, more housing choice and boost supply.
6. The NPS-UD requires Auckland Council to change the Auckland Unitary Plan to enable the building of six storeys or more in areas within walkable distance of rapid transit stops, the city centre or one of Auckland's 10 large metropolitan centres, like Papakura and Henderson. The proposed walkable distances are a 15-minute walk (approximately 1200 metres) from the edge of the city centre and a 10-minute walk (800 metres) from the edge of the metropolitan centres and around train stations and rapid busway stops such as the Northern Busway.



7. In addition, the Amendment Act requires Councils in the five fastest-growing regions (Auckland, Hamilton, Tauranga, Wellington and Christchurch) to enable medium density housing of up to three-storeys across most of Auckland's suburbs without requiring a resource consent. This includes terrace housing and low-rise apartments.
8. Within the legislation there is recognition that different cities have unique characteristics in the form of their built and natural environments. Called 'qualifying matters' they can be used to protect sites of cultural, historic, or ecological significance or to avoid development in areas with natural hazards. Council can use a qualifying matter where they can provide robust evidence to justify having an exemption.
9. Auckland Council is considering additional qualifying matters, such as the recently proposed 'areas with high-quality character housing' to protect the city's built character. Council is currently engaging with iwi on the NPS-UD and is seeking to develop an additional qualifying matter to specifically protect 'nominated sites and places of significance to mana whenua and Māori Heritage Sites'. This qualifying matter is essential for ensuring Council can discharge its obligations under the Auckland Unitary Plan in terms of Māori Cultural Heritage.
10. Auckland Council must implement the new rules for more housing and publicly notify changes to the Auckland Unitary Plan for public submissions by 20 August 2022. Once the submissions process has closed, an Independent Hearings Panel will consider all submissions and make recommendations to the Council on the changes that are required to be made to the Auckland Unitary Plan. Council is allowed to disagree with the recommendations, but it would then go to the Minister for the Environment to make the final decision by August 2023.

Sites of Significance: Future Development Strategy

11. Under the NPS-UD, Auckland Council is required to replace the current Development Strategy in the Auckland Plan 2050 with an updated Future Development Strategy. The Future Development Strategy must be completed by mid-2023 to allow time for it to inform the Long-term Plan 2024-2034.
12. The purpose of the Future Development Strategy is to provide the basis for integrated, strategic and long-term planning. The strategy should help integrate planning with infrastructure planning and funding decisions and it should also set out how Tāmaki Makaurau will:
 - achieve outcomes across social, cultural, environmental, and economic wellbeing
 - achieve a well-functioning urban environment
 - provide sufficient development capacity to meet housing and business land demand over the short, medium and long-term.
13. In December 2021 the Board appointed Chair Taipari to join the Mayor, Chair and Deputy Chair of the Planning Committee, Chair and Deputy Chair of the Environment and Climate Change Committee, Chair and Deputy Chair of the Finance and Performance Committee, Chair of the Regulatory Committee, Chair of the Rural Advisory Panel and Transport Emissions Reference Group member Councillor Dalton on a Steering Group with delegated authority to provide direction on the work to progress a Future Development Strategy.
14. The Steering Group met in February and March to provide Council staff with political direction on several key issues for future development. The Secretariat is participating in Council's process for progressing the Future Development Strategy and providing input into materials as appropriate. Regular Steering Group meetings are planned every 6-8 weeks throughout 2022 and in the first half of 2023.

Sites of Significance: Māori Culture Heritage Programme update

15. Auckland Council's Māori Heritage Team are continuing to progress the second tranche of sites of significance. Three additional specialists started in December 2021 and to date have



cleared 100 draft management statements from a backlog of over 500. The team are progressing hui with individual nominating iwi ahead of a collective governance hui scheduled for April 2022. The purpose of the collective governance hui is to discuss current workstreams and the third tranche of sites of significance.

Customary Rights

16. Auckland Council submitted feedback to the Ministry for the Environment on its engagement materials 'Transforming Aotearoa New Zealand's resource management system: Our future resource management system'. Deputy Chair Henare was appointed by the Board to review and approve Council's final submission.
17. The Secretariat provided input into this submission, based on the Board's previous input into Council's submission on the Natural and Built Environments Bill exposure draft in August 2021. A copy of Council's final submission on the exposure draft can be made available upon request.
18. A report on Customary Rights and Resource Management Act is contained within this Board agenda pack.

CCO – Water: Waikato River water take by Watercare

19. An independent board of inquiry has granted Watercare's application to draw an additional 150,000 cubic meters per day of water from the Waikato River and for discharges and construction of structures associated with the water take. Te Whakakitenga o Waikato Inc has lodged a notice of appeal to the High Court against this decision. Watercare's Māori Outcomes and Relationship team, Te Rua Whetū, is working to reset Watercare's engagement approach and are planning hui with key stakeholders including Waikato River iwi and the Waikato River Authority.
20. Te Rua Whetū have recently welcomed a new Senior Policy Advisor to the team who will support the delivery of Māori Outcomes across Watercare. Key responsibilities for this role include policy advice on Māori rights and interests across freshwater and taiao-related issues and internal capacity building to better understand Te Mana o Te Wai.

CCO – Water: Three Waters Reform

21. Through its Three Waters Reform work programme, Te Rua Whetū has started making approaches to iwi in Te Tai Tokerau. These discussions will help Watercare understand iwi expectations of the proposed changes including Water Entity A. Discussions with Auckland Council's Healthy Waters team and participation through the Northern Waters Councils forum are being progressed to ensure a coordinated engagement approach with northern iwi is managed.
22. On 9 March 2022, the Governance Working Group for the Three Waters Reform released their report on the recommendations on Representation, Governance and Accountability of New Zealand Water Services Entities.
23. The recommendations fall into three broad groupings:
 - i. Support for significant changes to the Bill:
 - Community ownership of water services assets
 - Protection from privatisation
 - A stronger voice for local communities in drinking water, wastewater and stormwater network development
 - Strengthening te mana o te wai
 - Co-governance embracing te ao Māori to improve Three Waters service delivery and environmental protection.



ii. Specific recommendations for material improvements to the new water entities and delivery of services:

- Instituting a public shareholding structure that protects community ownership, with shares held by councils on behalf of their communities
- Establishing tighter accountability from each Water Services Entity Board to the community, through new and stronger mechanisms
- Strengthening connection to local communities so they have a clear and guiding voice in drinking water, wastewater and stormwater network development
- Recognising te mana o te wai as an underlying principle
- Ensuring co-governance principles across the water services framework
- Deepening public understanding.

iii. Other considerations outside the Three Waters Working Group's terms of reference.

24. The membership of the Three Waters Working Group comprised of iwi and mayoral representation for each of the proposed publicly owned Water Service Entities across Aotearoa. Tāmaki Makaurau is part of Water Entity A which includes Auckland Council, Far North District Council, Kaipara District Council and Whangārei District Council.

CCO – Water (Watercare)

25. The Council's Auckland Water Strategy was formally adopted by the Environment and Climate Change Committee as its meeting on 10 March 2022. The Council also prepared several supporting documents, including a high-level implementation plan for the strategy. The strategy and implementation plan have been published on Auckland Council's [website](#) and will be updated in time with a summary version, including a te reo translation.
26. The Auckland Water Strategy sets a vision for Auckland's waters and provides strategic direction for investment and action across the Auckland Council Group. With regard to the central government three waters reforms, the Water Strategy will be used by Council in appropriate ways to provide direction to any processes that arise from the reform.

Climate Change: Māori-led climate action

27. The Chief Sustainability Office and the Environmental Services Department continue to collaborate to progress the delivery of the two Māori-focused programmes of work in the climate action investment package.
28. The rangatahi focused programme called 'Ka noho teina te tangata' is being supported by a Senior Māori Advisor and two recently recruited Rangatahi Project Advisors. This small team is working on a 'call to action' campaign, via promotional media and wānanga (face-to-face and online), to invite expressions of interest from rangatahi Māori to join the programme to create and deliver rangatahi Māori-led climate action projects. It is anticipated that the 'call to action' will launch in April 2022.
29. The climate resilient marae programme under 'Kia ora te Tātai' is being supported by a Senior Māori Climate Advisor. This advisor is progressing engagement with iwi and marae representatives to identify participants for a co-design process for marae centred climate action projects. Initial feedback from iwi focuses on four main themes for resilient marae: wai, infrastructure, taonga species and education opportunities. It is anticipated that co-design will begin in the final quarter of this calendar year.
30. A separate report on Climate Change is contained within this Board agenda pack, as per Te Pae Whakatere and further detail on the progress of Te Tāruke-ā-Tāwhiri is highlighted in that report.



Ngā koringa ā-muri Next steps

31. The Secretariat will continue to work across the Council Group to monitor progress against the Board's environmental priorities and provide an update at the Board's next meeting.

Ngā tāpirihanga Attachments

There are no attachments for this report.

Ngā kaihaina Signatories

Authors	Miriana Knox - Principal Advisor
Authorisers	Theresa Roigard - General Manager Advisory & Performance



Future of Local Government

File No.: CP2022/02003

Ngā tūtohunga Recommendation/s

That the Independent Māori Statutory Board:

- a) receive the Future for Local Government update report.

Te take mō te pūrongo Purpose of the report

1. The purpose of this report is to update the Independent Māori Statutory Board (the Board) on the 'Future for Local Government' review.

Whakarāpopototanga matua Executive summary

2. The Board's Schedule of Issues of Significance highlights Māori representation as an Issue of Significance to Māori. It affirms the need to ensure that 'Māori are enabled to contribute to the long-term future of Auckland actively and meaningfully through representation on Council'.
3. The 'Future for Local Government' review is an independent Ministerial review that was established in April 2021. The purpose of the review is to consider how New Zealand's local democracy and governance system will need to evolve over the next 30 years, to improve the wellbeing of New Zealanders and actively embody the Treaty partnership.
4. An interim report '[Ārewa ake te Kaupapa](#)' can be accessed online and was published in October 2021. It sets out the broad direction and priority questions of the review to support engagement on the future of local governance and democracy.
5. The interim report includes five priority questions to guide the engagement with Local Government authorities and stakeholders and to inform the development of the draft report and recommendations.
6. Since releasing the interim report, the Panel has identified that a systems approach is needed to achieve a local governance model that is fit for the future and have proposed five shifts that are needed.
7. The Future for Local Government panel is engaging with Local Authorities during 2022 as they prepare their draft report. The draft report, including findings and recommendations must be delivered to the Minister for Local Government by 30 September 2022.
8. The Panel will undertake consultation and receive submissions on this draft report.
9. The final report is due to the Minister for Local Government on 30 April 2023.
10. The Secretariat will prepare a full submission for the Board's approval to inform the submission on the draft report and recommendations.

Horopaki Context

11. On 23 April 2021, the Minister for Local Government established a review into the Future for Local Government.
12. The overall purpose of the review is to identify how New Zealand's system of local democracy and governance needs to evolve over the next 30 years, to improve the



wellbeing of New Zealand communities and the environment and actively embody the Treaty partnership.

13. The Minister is seeking recommendations from the review that seek to achieve:
 - A resilient and sustainable local government system that is fit for purpose and has the flexibility and incentives to adapt to the future needs of Local Government
 - Public trust/confidence in local authorities and the local regulatory system that leads to strong leadership
 - Effective partnerships between mana whenua central and local government to better provide for the social, environmental, cultural and economic wellbeing of communities
 - A local government system that actively embodies Te Tiriti partnership, through the role and representation of iwi/Māori in local government and seeks to uphold Te Tiriti o Waitangi.
14. The review will consider the roles and functions of Local Government, its partnerships, representation and governance, and funding and financing models. The Minister notes that the review panel must consider the role of Māori across each of these areas within the panel's recommendations.
15. The Future for Local Government report is being developed and led by a review panel.
16. The review panel were selected through a Cabinet appointment process with consideration given to the range of background and experience. This includes a te ao Māori perspective, strong connections with the community and a knowledge of local government and urban and rural representation.
17. Throughout 2021 the review panel conducted initial engagement with Local Authorities and other stakeholders. A key focus of this engagement was to consider future pathways for local governance and identify key issues and lines of inquiry to inform the initial report.
18. The Panel met with the Board on the 3 June 2021 to inform the Future for Local Government review panel's work and recommendations.
19. This engagement informed 'Ārewa ake te Kaupapa' which sets out the broad direction and priority questions for the review to support the Panel's engagement on the future of local governance and democracy.
20. The report includes five priority questions:
 - How should the system of local governance be reshaped so it can adapt to future challenges and enable communities to thrive?
 - What are the future functions, roles and essential features of New Zealand's system of Local Government?
 - How might a system of local governance embody authentic partnership under te tiriti o Waitangi, creating conditions for shared prosperity and wellbeing?
 - What needs to change so local government and its leaders can best reflect and respond to the communities they serve?
 - What should change in local governance funding to ensure viability and sustainability, fairness and equity and maximum wellbeing?
21. Each priority question is supplemented by provocations to guide feedback and direction to the review panel.
22. The review panel has subsequently released the 'five shifts' required within local governance to ensure that the future local governance model meets the needs of Aotearoa.



23. The shifts are an evolution of the initial priority questions included within the interim report: These are:
 - i. Strengthened Local Democracy
 - ii. Stronger focus on wellbeing
 - iii. Authentic relationships with hapū/iwi/Māori
 - iv. Genuine partnership between central and local government
 - v. More equitable funding.
24. Each shift provides a long-term vision and identifies the future of local governance where the shifts are implemented and delivered upon.
25. The review panel is currently engaging with Local Authorities and stakeholders on these shifts. They will meet with Auckland Council's Governing Body on 6 April 2022. This engagement will inform the draft report and recommendations presented to the Minister of Local Government.
26. The draft report will be released after September and the Panel will call for submissions. The Panel will consider public submissions before finalising the report which is due to the Minister in April 2023.
27. Members of the Secretariat have participated in workshops convened by Local Government New Zealand (LGNZ) alongside elected members and stakeholders throughout Aotearoa.
28. LGNZ will consolidate advice provided by local government representatives and stakeholders to inform their submission and advocacy to the review panel.
29. The Secretariat will develop a submission to inform the final recommendations of the Future of Local Government review and this will be presented to the Board for approval at its December meeting.
30. The Secretariat will work with Council staff to inform and influence the position of Auckland Council and ensure that a te ao Māori lens is applied throughout their submission on the Future for Local Government.

Ngā koringa ā-muri

Next steps

31. The Secretariat will liaise with Council staff to receive information on Auckland Council's position on the Future for Local Government draft report
32. The Secretariat will prepare a full submission for Board approval at its November meeting.
33. If the Board chooses to seek further direct engagement with the review panel, the Secretariat will engage with the Future for Local government panel to confirm availability.

Ngā tāpirihanga

Attachments

There are no attachments for this report.

Ngā kaihaina

Signatories

Authors	Jett Sharp - Senior Advisor
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CCO Strategy and Review update

File No.: CP2022/01929

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Ngā tūtohunga Recommendation/s

That the Independent Māori Statutory Board:

- a) receive the CCO Strategy/Review update report.

Te take mō te pūrongo Purpose of the report

1. The purpose of this report is to provide an update to the Independent Māori Statutory Board (the Board) on the Council Controlled Organisations (CCO) related actions in Te Pae Whakātere:
 - Ensure the relevant CCO review recommendations are closed while promoting Māori on the CCO Boards
 - Assess and update the Board position for CCO Review recommendations regarding strategy, measures and Māori engagement
 - Develop CCO advocacy plans.

Whakarāpopototanga matua

Executive summary

2. Contained within this report are updates on the following topics:
 - Implementation of the Auckland Council 'Council Controlled Organisation' (CCO) Review recommendations
 - Appointments of Māori to CCO Boards for the period November 2021 to February 2022.
 - The timeline and process of the CCO Statement of Intent 2022-25
 - The Board's CCO Advocacy Plans, to support and inform upcoming Board to CCO Board
 - A summary of key themes or focus areas for each CCO Māori Outcomes Plan.

Horopaki Context

CCO Review recommendations

3. The Auckland Council CCO Review (2020) was undertaken by an independent panel appointed by the Councils Governing Body. The panels' role was to identify what's working well, what was not working and how to improve.
4. It provided 64 recommendations to ensure the services CCOs provide are efficient and effective and their decision-making has satisfactory levels of political oversight, public transparency and accountability.
5. Of those 64 recommendations, seven were to improve the use of mechanisms to ensure CCOs meet their obligations to Māori at governance, senior management and staff levels. This included providing guidance material on how CCOs should engage with the Independent Māori Statutory Board and other entities.
6. An update report on the implementation of all the CCO Review recommendations was presented to the CCO Oversight Committee meeting held on 22 March 2022.



7. The following table provides an overview of the current status of the recommendations that are of interest to the Board. This update is based on the Secretariat participation in the joint Council and CCO staff group that monitors the implementation programme.
8. Of the seven recommendations:
- two are completed
 - four are scheduled to be closed in June 2022
 - one due for completion in December 2022.

CCO review recommendation		Status update (March 2022)
Rec 35.	The Council, working with the Independent Māori Statutory Board, the Tāmaki Makaurau Mana Whenua Forum and CCOs, clarifies for CCOs what each of these three entities' respective roles are at the governance level, and how CCOs should engage with each entity.	The Board and Tāmaki Makaurau Mana Whenua Forum Secretariats developed question-and-answer guidance material to explain their respective roles and instruments. The Board approved its content at the Board meeting in November 2021. The guidance material will be used as a basis for developing communications with CCOs (and the wider Council) on how engagement with the respective entity should be undertaken. The Tāmaki Makaurau Mana Whenua Forum has still to approve their content. The final version will be published on the Council's internal website, Kotahi. This recommendation is due to be completed by June 2022.
Rec 36.	The Council urgently completes the Māori Outcomes Framework, which should include guidance on how CCOs engage with mātāwaka and afterwards CCOs update and align their Māori outcomes plan accordingly.	CCOs are working to provide an overview of their mātāwaka engagement plans to enable best practice to be shared and opportunities identified for collaboration. Following this, initial guidance will be developed by Ngā Mātārae and as required with input from the Secretariat of the Board and CCOs. Deadline to close this recommendation has been extended to December 2022, due to the requirement of recommendation 40, that mana whenua engagement approach being completed first.
Rec 37.	CCOs use a template for their Māori responsiveness plans and collaborate with one another and seek input from Māori entities during the drafting process.	Māori Responsiveness Plans have been renamed 'Achieving Māori Outcomes Plans' (AMO). AMO guidance went to the Waharoa group in December 2021 as a progress update therefore is still in working draft. Definition of Māori entities is being finalised (awaiting feedback from some CCOs). This recommendation is due to be completed by June 2022.
Rec 38.	CCOs continue to work with the Independent Māori Statutory Board to monitor and report more effectively on Māori outcomes s plans.	Further work is needed on monitoring and reporting of AMO plans including to integrate updates into the CCO quarterly reports that are provided to the CCO Oversight Committee. The Board to CCO Board meetings are being scheduled throughout 2022. This provides an opportunity for CCOs to include kōrero on their respective AMO plan. This recommendation is due to be completed by June 2022.
Rec 39.	CCOs engage directly and at a more senior level with the Independent Māori Statutory Board and the Tāmaki Makaurau Mana Whenua Forum to work on joint initiatives that benefit Māori.	The Board CEO attends the fortnightly CCO CE forum on a quarterly basis. This forum has a specific focus on Māori Outcomes scheduled quarterly. Board members and Forum members are working together in the Transport Emissions Reduction Plan (TERP). Other areas of joint activity may arise however vigilance needs to be maintained to ensure operational and governance discussions are not mixed. Due to be reported to the CE forum meeting for closing on 7 April 2022.
Rec 40.	Ngā Mātārae, the Tāmaki	As a result of limited progress in 2021, Ngā Mātārae Director



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	Makaurau Mana Whenua Forum and CCOs arrange a hui to establish a more coordinated and meaningful way of working together to reduce the number of meetings Māori entities are expected to attend and contribute to.	Māori Outcomes is taking the lead role to address this recommendation. An independent contractor will undertake a review of the Council Group mana whenua engagement processes. This recommendation is due to be completed by June 2022.
Rec 52.	Job descriptions (JD) refer to the need to contribute to Māori outcomes.	CCOs have confirmed that all job descriptions now include 'need to contribute to Māori outcomes.' This recommendation was completed in February 2022.

9. Delivering on recommendations 36, 37, 38 ensures that CCOs give effect to key strategic commitments to Māori including those outlined in Kia Ora Tāmaki Makaurau and Māori Outcomes Plans.
10. Recommendation 52 ensures that all staff across these organisations have a general role to contribute to the commitments in Kia Ora Tāmaki Makaurau and CCO Māori Outcomes Plans.
11. Recommendations 35, 39 and 40 identify improvements to how and on what topics, CCOs engage with Māori. Although implementation deadlines apply to these recommendations, actual change in CCO's contributions to Māori Outcomes will take time to embed and will need to be monitored through on-going processes e.g., reporting on implementation of CCO Māori Outcomes plans and CCO Statements of Intent.

Appointments of Māori to CCO Boards

12. There is no official ethnicity record of directors appointed to CCO Boards. However, through directors self-identifying as Māori all CCOs have at least one Māori director:
 - Two Māori directors on the Eke Panuku Development Auckland Board
 - Two Māori directors on the Auckland Unlimited Board
 - One Māori director on the Auckland Transport Board
 - Two Māori directors on the Watercare Board.
13. Recent decisions by the Appointments and Performance Review Committee throughout November 2021 and February 2022 have also confirmed:
 - reappointment of two existing directors for a further term who bring “a te ao Māori view to the Board”: Brendon Green to Watercare, and Dan Te Whenua Walker to Auckland Unlimited
 - appointment of two Māori interns one to each in Watercare and Auckland Unlimited Boards.

CCO Draft Statements of Intent (Sol) 2022-25

14. In December 2021 the Mayoral Letters of Expectation (LoE) for the CCO Statement of Intent 2022-25 conveyed specific and common expectations of CCOs. The reference to 'contributions to Māori Outcomes' was a common theme and outlined below. CCOs should continue to deliver:

Māori Outcomes

- Kia Ora Tāmaki Makaurau – a Māori outcomes performance measurement framework: implementation/delivery/reporting/monitoring/evaluation across the Council Group
- Māori outcomes portfolio - understanding business as usual initiatives across the Council Group which predominantly contribute towards advancing Māori outcomes.

Māori Outcomes Plans



- Delivery, monitoring, reporting.

Māori Engagement

- Developing an engagement approach for the Council Group.

Māori employment and development

- Implementation of the Māori employment strategy – MAHI. The strategy is currently being revised and is due to be completed in March 2022.
15. At the time of the letters of expectation being sent to CCOs, the Board did not seek to pursue any specific Māori Outcome matters, reflecting that the Sols have shifted to being more of a high-level document. For example, all Sols should express a consistent commitment in respect to te reo Māori signage, application of Te Aranga design principles and identifying opportunities for Māori in procurement processes.
 16. Draft Sols are due to be sent to Council in early April and then presented to the CCO Oversight Committee on 26 April 2022. CCO Boards will have until 1 June to consider the Council's shareholder comments and then will need to provide final Sols no later than 31 July 2022. The final Sols will be presented to the CCO Oversight Committee for approval at its August meeting.
 17. Upcoming meetings between the Board and CCO Boards will provide an opportunity to discuss the 'business as usual' projects as well as Māori Outcomes budgeted projects that are of interest to the Board.

Independent Māori Statutory Board CCO Advocacy Plans

18. The Board's CCO Strategy and Advocacy Plans are an action in Te Pae Whakaterere and approved by the Board at its meeting in November 2021. The purpose of the Board's CCO Strategy is to highlight the focus areas over the three years.
19. The Board's CCO Strategy and Advocacy Plans are intended to guide the Secretariat's engagement with CCO staff and Board members engagement with CCO Boards, that is to promote the Board's actions and include them in one or more of the following:
 - CCO Māori Outcomes Plans
 - CCO Statements of Intent
 - CCO 'business as usual' project budgets; or
 - applications for funding from the Long-term Plan (LTP) Māori Outcomes fund, the level of which will need to be confirmed through future Annual Budget and/or LTP processes.
20. The Board's CCO Advocacy Plans include the following action regarding Auckland Transport and Auckland Unlimited's Sols: Include key performance indicators (KPI) relating to procurement targets and iwi and mātāwaka engagement/relationship management.
21. Similarly, although Eke Panuku already has a KPI relating to Māori engagement in their current Sol, they did not have a current procurement KPI; however, they have since confirmed they have developed a procurement KPI which can be reflected in their next Sol.
22. It was accepted as next steps that the Board's CCO Advocacy Plans would need to be initially progressed by the Secretariat to do further scoping work and engage with CCO staff (for example, through the Māori Outcomes Steering Group or Kia Ora Tāmaki Makaurau implementation group). Subject to that engagement, the actions and projects in the Board's CCO Advocacy Plans may then be reflected in CCO Sols or AMO Plans.

Summary of individual CCO: Achieving Māori Outcomes Plans

1. All CCOs have been undertaking work to align/realign their Māori Outcomes plans to the Kia Ora Tāmaki Makaurau Outcomes Framework. Prior to this, Māori Outcomes Plans were aligned to the goals of Council's Māori Responsiveness Framework which Kia Ora Tāmaki Makaurau Outcomes Framework is derived from.



2. The key themes and actions of the CCOs current AMO Plans¹ are summarised below, noting that some plans will change over the next three months due to the realignment exercise.

Auckland Transport²

3. Auckland Transport have realigned their Māori Outcomes Plan to the outcome areas of Kia Ora Tāmaki Makaurau and is due to be presented to their Board.

Goal 1: An Empowered Organisation

- AT staff have the opportunity to complete tikanga Māori and te reo Māori, basic pronunciation course, to improve their understanding of the language, customs and protocols
- Provide staff training on the history of Tāmaki Makaurau and Treaty of Waitangi from a mana whenua perspective
- Provide staff training on legal responsibilities and Māori Engagement Framework and how it applies to the work of AT
- A centralised system developed to track mana whenua and mātāwaka information, key contacts and to track decision making activities. System to also include GIS and learning and development information.

Goal 2: Better Decisions: Relationship Building and Engagement

- Secretariat support for Governance Committee comprising of AT/NZTA/ mana whenua leadership, who meet quarterly on strategic transport issues and opportunities
- Operational kaitiaki table to consider RMA 1991 and Māori values in AT infrastructure, walking and cycling projects
- Develop options for improving the procurement process with mana whenua and implement preferred option
- Mana whenua designers and artists are provided opportunity in the procurement of Te Aranga Māori design in AT projects
- Production of mana whenua stories for AT Metro screens
- Mana whenua stories of sites of significance on AT regional signage
- Work collaboratively with Council and CCOs to celebrate the unique Māori identity with events such as Te Herenga Waka Festival, Matariki, and Waitangi Day celebrations

Goal 3: Strong Māori Communities

- Implement a Māori Road Safety Programme to reduce the high incidence of Māori road deaths in Tāmaki Makaurau
- Safety improvements for marae road turnouts design and construction
- Assess and develop the Māori Roadways funding work programme with the Asset Management and Systems Team.

Auckland Unlimited³

4. Auckland Unlimited completed the update to their Māori Outcomes Plan and this was approved by their Board at the end of 2021. Actions contained within the plan are aligned to outcome areas of Kia Ora Tāmaki Makaurau Framework. Overall high-level themes are:

¹ Sourced from <https://aklcouncil.sharepoint.com/sites/who-we-are/SitePages/achieving-maori-outcomes-plans-approaches.aspx>

² Based on the 2017 version as the refreshed plan is yet to be approved by the AT Board.

³ Based on ATEED 2016 and RFA 2017 Māori Responsiveness Plans



- Increase whānau access to Auckland Unlimited's public facilities and services through targeted activities and programmes, and recruitment of kaupapa Māori specialists.
- Increase Auckland Unlimited's support for te reo Māori to be seen, spoken heard and learned throughout Tāmaki Makaurau by incorporating te reo Māori in Auckland Unlimited communications (internal & external), policies, programmes and projects.
- Proudly showcase Māori works, narratives and identity. Increase the prominence of te ao Māori and te reo Māori within Auckland Unlimited's facilities.
- Identify the full spectrum of economic support Māori require to access opportunities and drive Māori business innovation.
- Develop and implement an Auckland Unlimited social procurement strategy (including fund sourcing) to identify and utilise quality assured Māori vendors across all avenues of Auckland Unlimited including arts, entertainment, food vendors and business consultants.
- Explore and implement opportunities to increase rangatahi participation in events and activities.
- Develop career pathways for rangatahi across sectors of Auckland Unlimited to align with the Council group's commitments.
- Identify and develop opportunities to support mana whenua and their kaitiakitanga responsibilities.
- Develop and implement a Māori Engagement Plan to enable Māori participation at all levels of the Council group's decision-making.
- Build Māori responsiveness capability and capacity in Auckland Unlimited utilising the Council family Māori Employment MAHI (Measures and Actions for High Impact) Strategy.

Eke Panuku Development Auckland

5. Eke Panuku developed their Māori Outcomes Plan in conjunction with the mana whenua forum. The key focus areas align to the pou within the operational mana whenua forum that Eke Panuku work alongside.

Governance pou

- Strengthen governance and operations relationships between Eke Panuku and mana whenua
- Improve Eke Panuku engagement with mana whenua, thus enabling effective mana whenua participation in democratic structures and decision-making
- Using Eke Panuku levers and existing relationships, advocate for greater opportunities for mana whenua
- Develop and maintain sustainable relationships and partnerships for the greater benefit of mana whenua.

Culture and Identity pou

- Support culture, design, architecture, art initiatives and partnerships that enable mana whenua to see their identity and culture reflected in Tāmaki Makaurau
- Support and promote initiatives that normalise te reo Māori in Tāmaki Makaurau
- Support initiatives that enable kaitiakitanga practices and leadership for mana whenua.

Natural Environment pou

- Support meaningful initiatives that protect and improve the environment and quality of water and air, reducing pollution created by Eke Panuku and the community more broadly
- Monitor and report on Eke Panuku environmental performance
- Support initiatives allowing development and protection of natural capital and empower mana whenua in ways that strengthen their connection to all beings



- Reflect mātauranga Māori in Eke Panuku projects.

Economic pou

- Provide mana whenua and Māori with procurement and investment opportunities
- Develop successful commercial partnership approaches within all Eke Panuku development opportunities
- Build capacity and capability of mana whenua and Māori businesses. Work with Māori on partnerships/joint ventures and active engagement in the delivery and supply of infrastructure.

Watercare

6. Watercare completed their Māori Outcomes Plan during 2021. They were the first CCO to align their outcome areas to that in Kia Ora Tāmaki Makaurau.

Kia ora te ahurea: Māori identity and culture

- Build staff confidence and competency to engage with Māori
- Staff awareness and understanding in te reo Māori and tikanga Māori principles through:
 - Cultural interpretations and dual naming at Watercare sites
 - Events and programme supported by Watercare that showcase Māori identity
 - Induction include Māori cultural component

Kia ora te ūmanga: Māori business, tourism and employment

- Support economic opportunities for Māori businesses iwi organisations through:
 - Sourcing 5% of procurement through Māori owned businesses by 2025.

Kia ora te rangatahi: Realising rangatahi potential

- Contribute meaningfully to realise Rangatahi potential through:
 - Māori youth employment, Māori cadetship and work experience programmes
 - Continue Mark Ford Ngā Tapuwae scholarship
 - Māori culture and values infused through Watercare leadership programmes.

Kia ora te taiao: Kaitiakitanga

- Kaitiaki provide an aligned approach to remediate, protect and enhance the mauri of our treasured environments through:
 - Water efficiency education and demand management
 - Healthier waterways, initiatives with Māori

Kia ora te hononga: Effective Māori participation

- Mana whenua and Māori are active partners, decision-makers and participants through:
 - Incorporating Māori outcomes in core strategies, policies and plans
 - Mana whenua are offered the opportunity to individually participate in discussions about projects and work programmes through the kaitiaki schedule.

Ngā koringa ā-muri **Next steps**

23. Implementation of the Board's own CCO strategy along with current actions within Te Pae Tata relating to CCOs, will need to occur through CCO governance and planning/policy processes over the next one to three years.



24. The Independent Māori Statutory Board and the Tāmaki Makaurau Mana Whenua Forum secretariats have been engaged as part of the project group membership to provide input and direction into the work addressing the CCO Review recommendations. This will continue until all Māori Outcomes related recommendations have been implemented, with most due to be completed by June 2022, and one (Rec. 40) due by December 2022.
25. The Board's CCO Advocacy Plans as well as CCOs own AMO Plans will support and inform upcoming meetings between the Board and CCO Boards.

Ngā tāpirihanga Attachments

There are no attachments for this report.

Ngā kaihaina Signatories

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Authorisers	Theresa Roigard - General Manager Advisory & Performance Leesah Murray - Independent Māori Statutory CEO



Climate Change

File No.: CP2022/01925

Ngā tūtohunga Recommendation/s

That the Independent Māori Statutory Board:

- a) receive an update on the Board's climate change work programme priority.

Te take mō te pūrongo Purpose of the report

1. The purpose of this report is to provide the Independent Māori Statutory Board (the Board) an update on the Climate Change priority of the Board's work programme.

Whakarāpopototanga matua Executive summary

2. The Board's Schedule of Issue of Significance identifies Environmental Resilience, Protection and Management as focus areas and includes directive actions to the Council Group to ensure the effective management (and mitigation) of climate change related issues to and for Māori.
3. The Board's Work Programme Te Pae Whakatere includes a commitment to provide the Board with an update on the implementation of Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan. This report provides an update on outcomes delivered through the implementation plan of Te Tāruke-ā-Tāwhiri.
4. Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan is a long-term approach to climate action for the Tāmaki Makaurau region. It sets out eight priority action areas to deliver on these goals to reduce emissions and adapt to the impacts of climate change. Key actions are outlined within these priorities as well as key partners required to deliver on these actions.
5. Te Tāruke-ā-Tāwhiri affirms that Council will report on progress of actions contained within the plan annually and that a series of indicators will be utilised to identify trends and measure success in the delivery against climate goals that are within the plan.
6. Council provided the first annual update since the plan was adopted in December 2020 to the Environment and Climate Change Committee in December 2021. At that meeting a commitment was signalled to provide a second annual report back to that Committee in December 2022.
7. Future reports will be aligned to the monitoring and reporting of Council's Auckland Plan 2050 and Annual Plan cycles.

Horopaki Context

Auckland Council's response to climate change

8. In February 2018, the Environment and Community Committee resolved to develop an integrated climate action plan for the Auckland region (ENV/2018/11). Auckland Council led the development of a draft climate action framework in collaboration and engagement with iwi and key stakeholders.
9. In June 2019, the Environment and Community Committee declared a climate emergency, recognising that the importance and urgent need is required to address climate change for

the benefit of current and future generations (ENV/2019/72). In declaring a climate emergency Auckland Council committed to:

- Robustly and visibly incorporate climate change considerations into work programmes and decisions
 - Provide strong local government leadership in the face of climate change, including working with local and central government partners to ensure a collaborative response
 - Advocate strongly for greater central government leadership and action on climate change
 - Increase the visibility of Council's climate change work
 - Lead by example in monitoring and reducing Council's greenhouse gas emissions
 - Include climate change impact statements on all Council committee reports.
10. At the same meeting, the Committee approved a consultation draft of the climate action framework and associated materials (ENV/2019/71).
11. In response to feedback from the consultation, key structural changes were made to the climate action framework including:
- Moving from a framework to a plan – recognising the urgency for climate action and enabling a greater focus on how climate goals will be delivered
 - Moving to eight priorities to streamline actions
 - Changing the title to Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan.
12. To guide Auckland's approach to climate action the Council partnered with iwi through the Tāmaki Makaurau Mana Whenua Forum to provide a te ao Māori perspective. The forum established a climate change working group to collaborate with Council throughout the development of Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan.

Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan

13. Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan (the climate plan) is Auckland Council's long-term approach to climate action. It sets out eight priority action areas to deliver Auckland's goals to reduce emissions and adapt to the impacts of climate change. Key actions are outlined within these priorities as well as key partners to deliver on these actions.
14. The climate plan is a region-wide plan which requires partnership with central government, iwi, businesses and community to deliver on the climate aspirations.
15. The climate plan calls for narrative changes in response to climate change and a shift from a human-centred approach to an ecological-centred approach. To support implementation of the climate plan, the forum's climate change working group developed 'Te Ora o Tāmaki Makaurau Māori wellbeing framework'. This framework incorporates kaupapa Māori and mātauranga-ā-iwi and is reflected in the climate plan actions.
16. There are two primary goals for the climate plan:
- To reduce greenhouse gas emissions by 50 percent and achieve net zero emissions by 2030
 - To adapt to the impacts of climate change by ensuring we plan for the changes we face under our current emissions pathway.
17. To deliver on these goals the climate plan includes eight priority action areas that focus on the greatest climate change impact. The priorities are:
- Natural environment
 - Built environment
 - Transport
 - Economy
 - Communities and coast
 - Te Puāwaitanga o te Tātai
 - Energy and industry
 - Food



18. Priority area Te Puāwaitanga ō te Tātai includes the following goals:
- Intergenerational whakapapa relationships of taiao, whenua and tāngata are flourishing
 - The potential and value of Māori is fully realised
 - Māori communities are resilient, self-sustaining, and prosperous.

Auckland Council's investment in climate action

19. As part of the Annual Plan 2020/2021 Emergency Budget, Auckland Council allocated funding for projects to provide an initial response to the most urgent climate priorities including, foundation work for climate action. This included an additional 500,000 trees to be planted as part of the Mayor's Million Trees project, development of a climate impact assessment tool and a project to better understand the Māori world view on climate change led by the Tāmaki Makaurau Mana Whenua Forum.
20. Climate action was identified as a priority area for investment through the 10-year Budget (LTP 2021-2031) and for the first time the 10-year budget included a dedicated climate action investment package of \$152m over the next 10 years.
21. Of the 12 climate action programmes funded through this investment package, two are Māori-led.
- Ka noho teina te tangata – Enabling rangatahi Māori to build climate resilience (\$5.9m over 10 years). This programme of work involves establishing a rangatahi roopu to oversee implementation of the plan. The programme budget will also support co-delivery of practical projects with rangatahi Māori.
 - Kia ora te Tātai (\$7.8m over 10 years) is a package of projects that will enable Māori-led climate action and resilience by:
 - providing capability and resource for co-design and collaborative partnering arrangements with mana whenua, mātāwaka and kaupapa Māori organisations
 - strengthening marae and kura functions as self-sustaining hubs of community resilience - reaching 20 marae and associated kura over ten years.
22. In December 2021 the Finance and Performance Committee resolved to support a \$1b climate action package for public consultation as part of the Annual Budget 2022-2023. The proposed package would fund further climate action measures to reduce emissions and support adaptation.
23. The proposal includes a Climate Action Targeted Rate providing for \$574m over 10 years to fund the proposed climate action. The Council will also seek a further \$471m from Government for transport activities and fare revenue.
24. The Climate Action Targeted Rate is proposed to be based on capital value and to rise by 3.5 percent each year, the same as the Water Quality Targeted Rate. Public consultation on the Annual Plan took place in February-March 2022.

Monitoring the implementation of the climate plan and delivery of Māori-led climate actions

25. In December 2021 the first annual update on the progress of actions contained within the climate plan was reported to the Environment and Climate Change Committee. The reporting period for the update was from December 2020 (when the climate plan launched) to December 2021.
26. The climate plan has 58 action areas and 179 actions, with Council having different levels of responsibility and control, reflecting the regional focus of the plan. Of these actions Council has:

- Direct control of 111 actions
- Partial control of 30 actions
- An influencing and advocacy role for 32 actions.

27. The following table provides an overview of action delivery within the climate plan. 33 per cent of actions in the plan are on-track, 39 per cent are underway and 28 per cent not in progress.

Priority Areas	On-Track	Partially underway	Not In Progress
Natural Environment (25 Actions)	3	15	7
Built Environment (48 Actions)	19	14	14
Transport (21 Actions)	15	-	6
Economy (17 Actions)	5	5	7
Communities and Coast (21 Actions)	11	8	2
Food (18 Actions)	11	8	2
Energy and Industry (24 Actions)	11	1	12
Te Puāwaitanga ō te Tātai (No Actions)	Principles of Te Puāwaitanga are woven throughout the above actions		

28. Unlike the other priority areas, Te Puāwaitanga ō te Tātai is not supported by specific climate action programmes, but instead comprises of seven te ao Māori principles and values that are woven through each of the other seven priorities.
29. Each of the other seven priority areas include a Te Puāwaitanga ō te Tātai statement which identifies high-level alignment of the actions included within each priority.
30. The Secretariat has engaged with Auckland Council to advocate for a review of the Te Puāwaitanga ō te Tātai priority area to consider ways that Council can better report on this priority at the next review.
31. Information received for the 2021 Progress Report identified six Māori-led climate actions. Council staff have since clarified that this refers to both Māori-led and Māori-partnered actions.
32. Council have committed to undertaking a review of the all actions to gain clarity on the actions that are intended to be Māori-led or in partnership between Māori and Auckland Council and how progress on these actions can be accelerated.
33. Council has established the baseline for indicators included within the climate plan. Headline indicators will be reported to the Environment and Climate Change Committee annually with all indicators reported to the Committee triennially.

Ngā koringa ā-muri

Next steps

34. Regarding the proposed Climate Action Targeted Rate, consultation on the Annual Budget 2022/2023 closed on 28 March 2022. Auckland Council will analyse feedback and the Governing Body will deliberate content and approve the final annual budget in late June 2022.
35. The Secretariat will continue to engage with Council staff on the review of Māori-led climate actions and will provide updates to the Board in its monthly Environment Update report.



Ngā tāpirihanga Attachments

There are no attachments for this report.

Ngā kaihaina Signatories

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Customary Rights and Resource Management Act

File No.: CP2022/01924

Ngā tūtohunga Recommendation/s

That the Independent Māori Statutory Board:

- a) receive an update on the resource management system reform and next steps.

Te take mō te pūrongo Purpose of the report

1. The purpose of this report is to provide the Independent Māori Statutory Board (the Board) with an update and next steps on the reform of the resource management system.

Whakarāpopototanga matua Executive summary

2. Throughout 2019 and 2020 the Government undertook an initial review of the current resource management system. This review led to a comprehensive reform of the Resource Management Act 1991 (RMA) and the enactment of three new pieces of legislation:
 - Natural and Built Environments Act
 - Spatial Planning Act
 - Climate Change Adaptation Act.
3. There are multiple objectives for the future resource management system, including to give effect to the principles of Te Tiriti o Waitangi and to provide for greater recognition of te ao Māori.
4. Key aspects of the Natural and Built Environments Bill were released in July 2021 for consultation in an exposure draft (pre-introduction version of a Bill) and this was subject to a select committee inquiry. This included the introduction of a National Planning Framework, Regional Spatial Strategies, Natural and Built Environments plans, joint committees and a National Māori Entity.
5. In February 2022 the Ministry for the Environment released engagement materials about the future resource management system to facilitate better engagement with Māori on the reform discussions.
6. Auckland Council have provided three formal submissions to Government on the reform proposals including on the initial review of the current RMA. The Board provided its own submission in 2020 on the initial RMA review and has participated in the development of Council's submissions on the exposure draft and on the engagement materials.
7. The Ministry for the Environment is undertaking targeted engagement with Māori, local government and stakeholder groups as it proceeds with the development of the Natural and Built Environments Act and the Spatial Planning Act.
8. The Ministry is still considering key aspects of the future system, including:
 - How the joint committees will operate
 - Further direction on how the principles of Te Tiriti o Waitangi are to be given effect to
 - Further clarity and legal certainty on how to implement the concept of 'Te Oranga o te Taiao'.

9. The Natural and Built Environments Act and the Spatial Planning Act will be introduced to Parliament in quarter three of 2022 followed by a standard legislative and select committee process. They are expected to pass into law in 2023 ahead of the general election.
10. The Secretariat will continue to participate in the development of feedback that Auckland Council submits on the future resource management system and will provide updates to the Board in its monthly Environment Update report.

Horopaki Context

Resource management review and reform

11. The current resource management system introduced by the Resource Management Act 1991 (RMA) is no longer fit for purpose. There is broad consensus that the RMA:
 - Has not provided Māori with an effective enough role in the system
 - Has not adequately protected the natural environment
 - Has not enabled housing or infrastructure development where needed.
12. Following a review of the RMA, the Government announced in February 2021 that it would repeal the RMA and replace it with three new Acts. Note that in 2020 the Board submitted formal feedback to the review panel (Randerson Panel) as part of the RMA review process (appended to this report as Attachment A).
13. The table below provides an overview of the proposed legislation and supporting framework, strategies and plans.

Future resource management system	
Natural and Built Environments Act	<p>The primary replacement for the RMA. It will set out how the environment is to be protected and enhanced. It will also promote positive outcomes for natural and built environments.</p> <p>An integrated statute for land use and environmental projects that works in tandem with the <i>Strategic Planning Act</i>.</p>
Strategic Planning Act	<p>Provides strategic direction by requiring the creation of long-term <i>Regional Spatial Strategies</i> that will identify areas that are:</p> <ul style="list-style-type: none"> • suitable for development • need to be protected • require infrastructure • vulnerable to climate change effects and natural hazards. <p>It will integrate with the <i>Natural and Built Environments Act</i> and other legislation relevant to land, urban development and the coastal marine area.</p>
Climate Adaptation Act	<p>This Act will support New Zealand's response to the effects of climate change. It will address the complex legal and technical issues associated with managed retreat and funding and financing adaptation.</p> <p>This Act will be developed alongside the Government's National Adaptation Plan under the Climate Change Response Act 2002. It is likely it will not be passed through Parliament before the 2023 General Election.</p>
National Planning Framework	<p>Provides a set of mandatory national policies and standards, including natural environmental outcomes, limits and targets. Will also provide direction on resource management matters that must be consistent throughout the system.</p> <p>The replacement for current national direction such as National Policy Statements and National Environmental Standards.</p>
Regional Spatial	<p>Provides firm direction on integrating decisions on land use, urban</p>



Strategies	development, infrastructure, environmental protection and climate change. Will require multiple groups to work together to identify how the region will grow over the next 30 years.
Natural and Built Environments plans	Provides a framework for the integrated management of the environment in the region that the plan relates to. One plan to be developed for each region and prepared by a joint committee comprising of representatives from hapū/iwi/Māori, local government and potentially a representative appointed by the Minister of Conservation.

Objectives for the resource management reform

14. The objectives for the future resource management system are to:
- give effect to the principles of Te Tiriti of Waitangi to provide greater recognition of te ao Māori, including mātauranga Māori
 - protect or restore the natural environment, including its capacity to provide for the wellbeing of present and future generations
 - better enable development within environmental biophysical limits, including improving the supply, affordability choice of housing and better provision of infrastructure including social infrastructure
 - better prepare for adapting to climate change and risks from natural hazards as well as mitigating the emissions that contribute to climate change
 - improve system efficient and effectiveness and reduce complexity, while retaining appropriate local democratic input.

Natural and Built Environments Act exposure draft and select committee inquiry process

15. In July 2021 the Government released an exposure draft of the Natural and Built Environments Act and referred it to Parliament's Environment Select Committee. The inquiry conducted by this select committee allowed the public to get an early insight on the main aspects of the proposed legislation and an opportunity to inform the development of the final Bill.
16. The exposure draft provided for a range of environmental outcomes relating to the natural environment, cultural values, climate change, natural hazards and well-functioning urban and rural areas. It also provided a list of ideas for making the resource management system efficient, proportionate, affordable and less complex.
17. The select committee received over 3000 written and 300 oral submissions on the exposure draft, with responses from iwi, local government, key stakeholders and the public.
18. As reported to the Board in the September 2021 Environment Update, the Secretariat provided input into Auckland Council's submission on the exposure draft which was lodged with the Environment Select Committee on 4 August 2021. The Secretariat also prepared a detailed submission on behalf of the Board that was appended to Council's submission. Deputy Chair Henare was appointed by the Board to be on the sub-committee that approved the submission on behalf of the Governing Body.
19. A copy of Council's final submission on the exposure draft can be made available upon request. The Board's detailed input on this submission is appended to this report as Attachment B.
20. In November 2021 the select committee released a report with recommendations to the Government on the Natural and Built Environments Bill, based on the feedback received from the public during the select committee inquiry. A copy of this inquiry report can be accessed via Parliament's website [here](#).

21. In general terms the select committee recommendations are well aligned to Council's submission. Of particular note, the select committee recommended the Bill include further direction on how the principles of Te Tiriti o Waitangi are given effect to, including direction on local government's role in the Treaty partnership. There was support for the concept of 'Te Oranga o te Taiao' and a recommendation that further clarity and legal certainty be provided on what is required to implement it.
22. The Government will consider the recommendations when making decisions on the full Natural and Built Environments Bill.

Targeted engagement with hapū/iwi/Māori

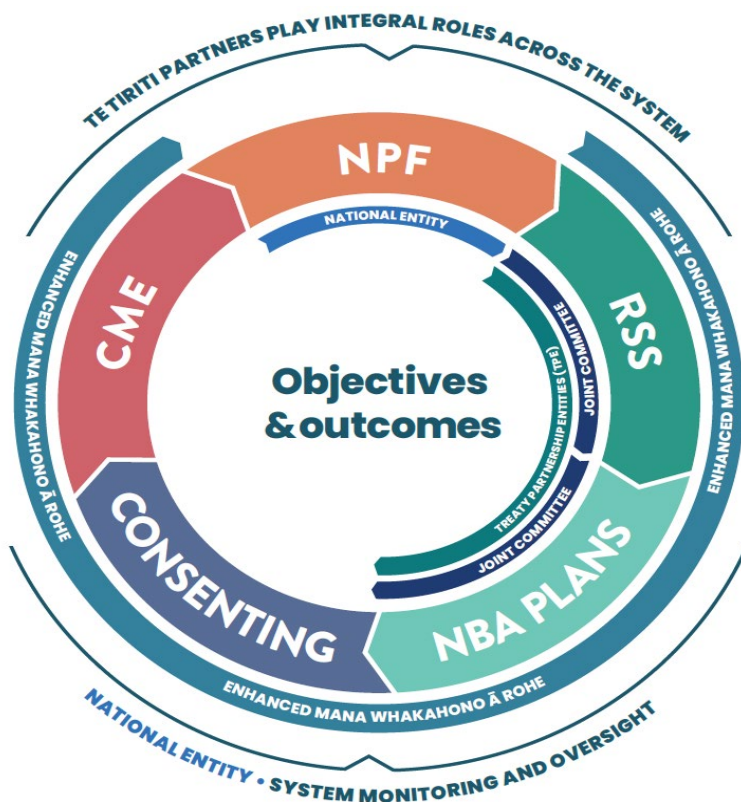
23. Over the past year the Ministry for the Environment has undertaken regular engagement with Māori collective leadership groups and their technical experts. The two groups are:
 - Freshwater Iwi Leaders Group and Te Wai Māori Trust
 - New Zealand Māori Council, Federation of Māori Authorities and Kāhui Wai Māori
24. Associate Minister for the Environment, Hon Kiritapu Allan has also led two rounds of regional hui with hapū/iwi/Māori which were held in mid-2021.
25. The Ministry for the Environment has engaged with Post Settlement Governance Entities to discuss how their settlement arrangements will be carried over into the future system. This is a separate engagement process that will continue right through to the introduction of the legislation.
26. The Ministry for the Environment will be engaging with takutai moana groups who have, or a seeking recognition of customary rights under the Marine and Coastal Area (Takutai Moana) Act 2011. This legislation includes significant resource management rights for hapū/iwi/Māori and the Crown has committed to upholding these rights in the reform. Engagement with takutai moana applicants and rights holders will inform upcoming decisions on how the rights will be transitioned to the future resource management system.
27. As reported to the Board in its February 2022 Environment Update, the Ministry for the Environment released engagement materials – Transforming Aotearoa New Zealand's resource management system: Our future resource management system. The purpose of these materials was to help provide an update to Māori on the reforms and bring them closer to the discussion to enable better engagement.
28. Auckland Council submitted feedback to the Ministry on these engagement materials and the Secretariat provided input into this submission, based on the Board's previous input into Council's submission on the Natural and Built Environments Bill exposure draft. A copy of the final submission on the engagement materials can be made available upon request.

Hapū/iwi/Māori role in the future resource management system

29. New roles for hapū/iwi/Māori will be established in governance and decision-making on plans and strategies and in developing and undertaking monitoring and reporting activities. Decisions are yet to be finalised on who or what groups participate in the future resource management system.
30. A National Entity will be established to enable Māori as Treaty partners to participate in decision-making at a national level. Possible roles for the National Entity could include:
 - Input into the development of the National Planning Framework
 - Appointing Māori members to any board of inquiry process
 - System oversight and monitoring (including monitoring of performance in giving effect to Te Tiriti o Waitangi).
31. Joint committees will be established to develop and make decisions on the Regional Spatial Strategies and the Natural and Built Environments plans. It is proposed that there is representation from hapū/iwi/Māori on both joint committees, but 50/50 governance is not being considered.



32. Several proposals for how these joint committees will operate are being considered, including how to best enable mātauranga Māori expertise to inform the preparation of strategies and plans.
33. Enhanced Mana Whakahono ā Rohe agreements are being considered to provide opportunities for a more strategic role for Māori in the system, to strengthen the role of Māori in consenting and compliance, monitoring and enforcement services.
34. The following diagram has been provided by the Ministry for the Environment to illustrate the role of hapū/iwi/Māori in the future resource management system:



NPF: National Planning Framework / RSS: Regional Spatial Strategies (RSS)
NBA: Natural and Built Environments plans / CME: Compliance Monitoring and Enforcement

Relationship with Three Waters reform, Future of Local Government Review and other programmes of government work

35. Three Waters reform is focused on improving the regulatory and service delivery arrangements for three waters infrastructure. Both reforms are looking at how to address water as a taonga of particular significance and importance to Māori and the Crown's duty to protect Māori rights and interests under Te Tiriti o Waitangi.
36. The new water service entities will be required to respond to te mana o te wai, as expressed in the current RMA. They will also need to operate within the new resource management system. Government officials are collaborating to ensure the new water service entities:
 - Give effect to existing and future environmental regulation to improve the environmental performance of three waters systems
 - Enable housing and urban development and support an integrated approach to land use and infrastructure planning
 - The water services entities will provide technical support for the development of the Regional Spatial Strategies.
37. The Review into the Future of Local Government provides local government with an opportunity to comment on how New Zealand's system of local democracy needs to evolve to actively embody Te Tiriti partnership and be fit for the future. The future resource management system will be flexible enough to not limit the outcomes of this Review.

38. Freshwater Māori rights and interests: The Government has provided an assurance that the future resource management system will not preclude any potential options for addressing Māori freshwater rights and interests. The Government will work to achieve efficient and fair allocation of freshwater resources.
39. The current RMA interacts with a range of other legislation, including the Local Government Act 2002, Land Transport Management Act 2003, Conservation Act 1987 and Build Act 2004. Minor changes to these Acts will be required to ensure they work with the new Acts.

Ngā koringa ā-muri

Next steps

40. The Ministry for the Environment will consider the recommendations from the select committee report, feedback from its public submission processes and input from its targeted engagement with hapū/iwi/Māori in the development of the Natural and Built Environments Act and the Spatial Planning Act.
41. Both the Natural and Built Environments Act and the Spatial Planning Act will be introduced to Parliament in quarter three of 2022. A standard legislative and select committee process will follow, which will provide further opportunity for written and oral submissions on the Bills.
42. The Natural and Built Environments Act and the Spatial Planning Act are expected to pass into law in 2023 ahead of the General Election.
43. The Climate Adaptation Act will be developed alongside the Government's National Adaptation Plan under the Climate Change Response Act 2002. It is likely it will not be passed through Parliament before the 2023 General Election.
44. The Secretariat will continue to participate in the development of any feedback Auckland Council submits on the future resource management system and will provide updates to the Board in its monthly Environment Update report.

Ngā tāpirihanga

Attachments

No.	Title	Page
A	Board's 2020 submission to Resource Management Review	63
B	Board's 2021 input to Auckland Council's submission on the NBA exposure draft	81

Ngā kaihaina

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Independent Māori Statutory Board: Submission to “Transforming the Resource Management System – Opportunities for Change”

The Purpose and Functions of the Independent Māori Statutory Board

The establishment of the Independent Māori Statutory Board in 2010 was a key development in the local government reforms that created the largest council in Aotearoa, the Auckland Council (“Council”).

The Board has a statutory purpose and role to assist Council to make decisions, perform functions, and exercise powers by monitoring Council against its Treaty of Waitangi obligations, and promoting Issues of Significance to Māori in Tāmaki Makaurau (Auckland).

The Board promotes, tracks progress and reports on the Māori Plan for Tāmaki Makaurau. The Māori Plan is representative of Māori in the region and what they have identified as important to them. It provides a framework for understanding Māori values, development aspirations and monitoring progress towards cultural, economic, environmental and social outcomes.

The Board achieves its purpose and functions through:

- undertaking its own consultation and research; and using the Māori Plan and Māori Reports as an evidence base;
- using its prioritised Issues of Significance for Māori as a focus for its strategic direction and advocacy;
- its membership and decision-making on Council committees, hearings, workshops, Council Controlled Organisation appointment panels and other political oversight and working groups;
- monitoring and advising on Council’s operations, documents and processes such as the Auckland Plan and the Long-term Plan; and
- undertaking reviews and Te Tiriti o Waitangi Audits of Council.

Over the last ten years the Board has been involved in Council’s resource management planning and decision-making; and has had the opportunity to consider what has worked well and identify areas of improvement. We consider that there is opportunity to further build on and strengthen some of the existing building blocks, rather than embarking on wholesale change.

1

Summary of Board Recommendations

1. Strongly affirm an additional challenge of for the resource management system in that it has a piecemeal approach to Māori as co-decision-makers.

Issue 1: Legislative architecture

- That a single decision-making framework in a separate Act be established, that applies to all aspects of local government, transport planning and environmental / resource management.
- That the decision-making framework should be enhanced to ensure that the mana of Māori as rangatira and kaitiaki in decision-making is appropriately recognised and provided for.

Issue 2: Purpose and principles of the RMA 1991

That existing principles remain largely as they are, but that they are enhanced with more deliberate and direct wording about implementation and outcomes. By way of illustration:

- Section 5 could be rewritten to ensure it states clearly that it requires the setting of bottom lines.
- That section 7a and section 8 include the principle of rangatiratanga and partnership as a matter of national importance. We consider that section 8 could be expanded so the principles of the Treaty are spelt out in more detail – as per the next section.

Issue 3: Recognising Te Tiriti o Waitangi / the Treaty of Waitangi and Te Ao Māori

- That the functions and responsibilities of local government should be consistent and give effect to the principles of Te Tiriti o Waitangi and the Treaty of Waitangi.
- That the principle of rangatiratanga and partnership be addressed by empowering Māori to co-govern and co-manage with local authorities their environment, land, waterways and fisheries.
- That delegated responsibilities to local government should include upholding Treaty rights and interests of Māori.
- That section 8 raise the legal status of Treaty provisions from “take into account” to “give effect and provide for Te Tiriti o Waitangi”. In addition, section 8 could include further articulation of Treaty principles to avoid confusion and aid interpretation.



- That the Te Tiriti o Waitangi provision include mechanisms to audit performance and effectiveness of authorities, similar to the role of the Independent Māori Statutory Board (LGA 2009) at a national and regional level, to ensure that all parties are meeting their legislative obligations.
- That Iwi authorities be provided with funding to support their participation and contribution to resource management decisions and processes.
- That existing provisions related to the inclusion of Iwi planning documents be strengthened and include funding mechanisms to support the development and implementation of plans in Council planning processes.

Issue 4 and 7: Strategic integration across the resource management system and policy and planning framework

- That the existing legal provision for Iwi documents be significantly strengthened and provided for in Council planning documents and processes.
- That there be some legal provisions, principles and expectations to strengthen and /or establish:
 - Spatial planning complemented by a Māori Spatial Plan (building on the Independent Māori Statutory Board Māori Plan approach)
 - The relationship of the Spatial Plan, Unitary Plan, second order plans and the medium and long-term funding pathways and budgets e.g. LTP and departmental budgets
 - The provisions for Iwi Management Plans or Iwi documents
 - The relationships of the two arms of government and their relationship with Māori
 - Parameters on how the two arms on government work together with the Treaty partners in the resource management system to develop a spatial plan.

Issue 5: Addressing climate change and natural hazards

- That any resource management legislation enacted to address climate change and natural hazards uphold Treaty obligations and enhance rangatiratanga and kaitiakitanga of Mana Whenua, Iwi and Hapū and their tribal territory.

Issue 6: National direction

- That the revised resource management system establish a National Policy Statement to guide authorities on provisions related to giving effect to Te Tiriti o Waitangi and the Treaty of Waitangi.
- That the revised resource management system establish a National Policy Statement to guide authorities on spatial planning that also includes guidance on recognition and protection of Māori cultural landscapes e.g maunga in Tāmaki Makaurau.

Issue 11: System monitoring and oversight

- That the panel consider the issues and proposed solutions outlined in this submission to improve Issue 11 – System monitoring and oversight.

Issue 12 and 13: Compliance, monitoring and enforcement and Institutional Roles and Responsibilities

Note that three levels of direction-setting, monitoring and reporting are required for the Resource Management System and that:

- That a new national body that includes a Māori Board (with members selected by an iwi selection panel) is established that sets direction for the resource management system and undertakes audits of performance including meeting Treaty responsibilities.
- That key government departments are responsible for setting expectations, standards and guidance, and measures / bottom lines for the four wellbeing.
- That local government operates at a regional level as unitary councils with a Māori Board (with members selected by an iwi selection panel) or using a unitary council model.



Challenges facing the resource management system

1. The resource management system has a piecemeal approach to Māori as co-decision-makers

The Board agrees with the identified challenges presented on pp11-13. In addition, the piecemeal approach to Māori decision-making in resource management decisions is a major challenge. It is important that discussions about a transformed resource management system consider how this challenge can be addressed in a revised system. Any future resource management system should, as a minimum, emulate and extend on progressive relationship agreements made through Treaty Settlements to recognise and provide for Iwi, Hapū and Māori interests and rights. This includes broadening co-governance and co-management arrangements to include Māori as decision-makers in both central and local government decisions.

Currently, legislative directives promote Māori participation in decision-making processes rather than being at the table as decision-makers. If Māori are not involved as decision-makers within their respective tribal territories, then the system:

- fails to give effect to Te Tiriti o Waitangi in upholding 'rangatiratanga'¹ of Iwi and Hapū'. At this point in time the Crown has established a number of co-governance arrangements with Māori as a benchmark for expressing Crown's Treaty partnership with Māori. Any revised resource management system should support this progress and reflect this development to ensure "that decisions made in respect of their ancestral land, taonga and wāhi tapu are the correct ones"² and consistent with Te Tiriti o Waitangi.
- diminishes the ability of authorities to co-design solutions which include mātauranga Māori to address pressing resource management challenges and issues outlined in the "Opportunities for Change- Issues and Options Paper".

The Board recommends including as an issue:

Piecemeal approaches to Māori as decision-makers in the resource management system need to be addressed.

Set out below are specific comments on issues 1-7, 11, 12 & 13.

² Nga Uri o Wiremu Moromona Raua ko Whakarongohau Pita v Far North District Council A014/08 (EC).

Issue 1: Legislative architecture

Land use (development) and environmental protection cannot be separated and need to be managed and considered holistically to achieve local, regional and national outcomes.

A holistic approach is more aligned to a Te Ao Māori worldview. A holistic approach should also strengthen the consideration of cumulative effects which is currently not being managed effectively in decision-making processes. i.e improving outcomes for people, native species and the environment, not just managing effects. It is important that land use and environmental protection is strategic and takes a long-term and intergenerational view that focusses on achieving all the wellbeing outcomes in rohe/spatial areas.

It is the view of the Independent Māori Statutory Board that a single decision-making framework in a separate Act that applies to all aspects of local government, transport planning and environmental / resource management should be put in place. The framework would incorporate all the aspects and principles of decision-making that currently sit across all the statutes that have strategic and spatial lenses. The framework should also be enhanced to ensure that the mana of Māori as rangatira and kaitiaki in decision-making is appropriately recognised and provided for. Existing provisions and practices acknowledges kaitiakitanga but not the rangatiratanga of Mana Whenua.

The Independent Māori Statutory Board strongly recommends that a robust decision-making framework is the first critical step in developing options to improve the RM system. This framework should establish shared ownership for achieving shared environmental and urban development outcomes over time. Māori, with their Te Ao Māori perspective and as a Treaty partner expressing their rangatiratanga, should be sitting at this decision-making table.

Elevating Mana Whenua in their decision-making role provides for a sustainable Treaty partnership. As part of the contemporary Treaty discourse and [post] Treaty Settlement era, the resource management system should at least mirror established Treaty Settlement arrangements with Mana Whenua. This requires transformative change to our current resource management system and decision-making roles.

Recommendations:

- **That a single decision-making framework in a separate Act be established that applies to all aspects of local government, transport planning and environmental / resource management should be put in place.**
- **That the decision-making framework should be enhanced to ensure that the mana of Māori as rangatira and kaitiaki in decision making is appropriately recognised and provided for.**



Issue 2: Purpose and principles of the Resource Management Act 1991

The framework across multiple statutes that apply to local government needs to re-set to be consistent. Generally all local government decision making should be subject to the same high level principles. The principles could be an amalgamation of the LGA and RMA plus parts from LTMA and other statutes that contain high level specific decision making principles. Specific requirements that are statute specific and more operational than strategic can be retained in the specific statutory regime.

Decision making principles

General decision making principles need to include:

- In relation to current resource management decision-making, keep something similar to section 5 with whatever changes are envisaged to that section and sections 6, 7 and 8.
- In relation to local government decision making (of which resource management is a component) largely keep the framework set out in the LGA 2002 including sections, 14 (principles of local authorities), 39 and 40 (governance), decision making in section 48. Note also there are specific separate decision-making principles that pertain to Auckland in that legislation.
- Read and applied correctly section 5 of the RMA provides that environment limits (or biophysical bottom lines) do have explicit priority over development and other goals. However, this could be more direct as further noted below.

The Independent Māori Statutory Board considers that section 5 is intended to be used in a way that ensures the important attributes of natural resources are managed in a way and at a rate to enable people and communities to provide for their economic, social and cultural wellbeing. These four areas of wellbeing are not at the expense of the biophysical environment but are enabled because the resource management system is intended to ensure this environment is managed sustainably. While trade-offs do inevitably occur section 5 provides the framework for this when it refers to the rate of management. It is still the case, however, if a resource is degraded to a state where it can no longer sustain the matters listed in section 5 then use and development of that resource should cease until such time (if ever) the resource recovers to an enhanced state.

Unfortunately, section 5 has not been applied by decision-makers in the way intended. Some of the trade-offs that have occurred have been at the expense of the environment such that decisions to cease resource use and development were not made when they should have been made.

There has been nearly 30 years of litigation involving the meaning and application of section 5 culminating in the Supreme Court decision in *King Salmon*. The system does not need re-written as to do this would essentially re-start the whole interpretation process all over again. Instead the system needs re-setting to the way it was intended to apply in 1991. It may be some changes to section 5 are required for clarity but the key in ensuring its correct implementation is – implementation. Local authorities need direction and

guidance. Resources need to be focussed on not only implementation but monitoring and compliance – see comment further below on this matter (refer to issue 11 and 12, page 11).

Recommendations:

That existing principles remain largely as they are but they are enhanced with more deliberate and direct wording about implementation and outcomes. By way of illustration:

- **Section 5 could be rewritten to ensure it states clearly that it requires the setting of bottom lines;**
- **That section 7a and section 8 include the principle of rangatiratanga and partnership as a matter of national importance. We consider that s8 could be expanded so the principles of the Treaty are spelt out in more detail – as per the next section**

Issue 3: Recognising Te Tiriti o Waitangi /the Treaty of Waitangi and Te Ao Māori

The Board agrees with the Waitangi Tribunal in stating that the RMA “has almost completely failed to deliver partnership outcomes in the ordinary course of business when the mechanisms to do so have long existed” (as referenced in the Issues and Option paper, page 26). The current resource management system does not identify the principle of rangatiratanga or provide Mana Whenua, Iwi and Hapū with the ability to exercise rangatiratanga to make resource management decisions about their tribal territory. Addressing rangatiratanga in a revised resource management system is an essential and critical component of transforming the current resource management system in Aotearoa New Zealand.

This review of the resource management system provides an opportunity to broaden and elevate the Crown’s current approach for contemporary legal expressions of rangatiratanga such as the establishment of the Independent Māori Statutory Board, co-governance of defined areas and joint management forums. There is growing evidence that co-governance arrangements with Māori drive better decision-making, improve environmental outcomes and strengthen connections and relationships between people and their environment.

The findings of various reports reveal that co-management arrangements with Māori, effectively address the policy failings of the status quo system and offers an attractive governance alternative which is based on the notion of indigenous environmental ethics.³ Enacting rangatiratanga through local government and Iwi co-governing resource

³ Norman, P. (2011) Crown and Iwi Co-Management: A Model for Environmental Governance in New Zealand.
http://www.kaiparaharbour.net.nz/Content/Publications/Norman2011CrownIwico_management_a_model_for_envtla_goverance_NZ.pdf

Auditor General Office (2016) Principles for effectively co-governing natural resources.
<https://www.oag.govt.nz/2016/co-governance/docs/co-governance-amended.pdf>



management decisions will ensure Iwi and Hapū knowledge and practices are elevated to be an integral part of the resource management system. It is the Board's view that any new legislation should address the principle of rangatiratanga and partnership by enabling Māori to co-govern and co-manage with local authorities their environment, land, waterways and fisheries.

The new system also provides an opportunity to address a long held issue for Māori. This is, that the Crown has the ability to delegate authority, roles, functions and powers but does not delegate authority to local authorities to uphold Treaty responsibilities associated with resource management decisions. It is the Board's view that the delegation of responsibilities to local authorities include accountability for being consistent and giving effect to the principles of Te Tiriti o Waitangi and the Treaty of Waitangi. This clarity will greatly assist in maintaining the integrity of Crown's Treaty relationship with Māori by ensuring that local government as the Crown's delegate will realise the Treaty relationship expectations are implemented effectively at the local level.

We propose that section 8 raise the legal status of Treaty Provisions from "take into account" to "give effect to and provide for Te Tiriti o Waitangi".

By way of illustration, the Board uses a Te Tiriti o Waitangi audit to assess the performance of the various groups within Auckland Council in the context of the various statutory references to Te Tiriti o Waitangi, and to the Council's Te Tiriti o Waitangi statutory responsibilities. There have been three audits using a legislative framework/internal audit approach as well as a review into Council systems and expenditure on Māori outcomes. This resulted in Auckland Council developing a formal and politically endorsed programme of actions to address audit recommendations. Progress is reported to Council committees including monitoring oversight by the Audit and Risk Committee.

The Independent Māori Statutory Board considers its statutory purpose to assess the performance of Auckland Council using an audit approach has created strong incentives for action and correction. As the resource management system lacks structured reviews/audits with consequences we recommend that the Te Tiriti o Waitangi Audit instrument be used at a national and regional level to ensure that all parties are meeting their legislative obligations in planning (spatial and second order plans) and regulatory activities.

The RMA recognises the role of tangata whenua in various provisions of the Act. As part of achieving the purpose of the Act, consent authorities are required to consult Iwi, and to take into account planning documents prepared by them (sections 61(2A)(a), 66(2A)(a), and 74(2A)). Local authorities are directed to "take into account" Iwi planning documents when preparing and changing a regional policy statement, a regional plan or district plan. The use

and implementation of lwi planning documents give effect to Part 2 of the RMA, particularly sections 6(e), 6(f), 6(g)⁴, 7(a)⁵, and 8.⁶

It is the Board's experience that councils lack specific policy guidance to "take into account" lwi planning documents; as a result, the effectiveness of the provision has eroded. Spatial planning has become a fundamental tool of strategic work that local authorities undertake, these spatial plans should take into account lwi planning documents by providing for and supporting their integration into Council spatial plans. It is integral that existing provisions related to the inclusion of lwi planning documents be strengthened. It is also necessary that funding mechanisms to support the development and implementation of plans in council planning processes are provided for.

Bay of Plenty Regional Council has also been one of the leading regions in terms of engagement with Mana Whenua. It was the first region to establish Māori constituencies with 3 Māori 'seats' established in 2004. Waikato Regional Council has since followed suit with two Māori constituencies.⁷ The inception of Māori wards and Māori councillors to the Bay of Plenty Regional Council has been successful in providing for funding mechanisms that support council planning processes such as Council's annual lwi Management Plan funding, Māori hearing commissioner sponsorship, biennial regional Māori conferences, Māori student internships and a Māori economic strategy.⁸ This demonstrates the need to establish co-decision-making with Māori to ensure there is systemic change aligned to Te Tiriti o Waitangi and quality decisions in the management of resources.

Recommendations:

- **That the functions and responsibilities of local government should be consistent and give effect to the principles of Te Tiriti o Waitangi and the Treaty of Waitangi.**
- **That the principle of rangatiratanga and partnership be addressed by empowering Māori to co-govern and co-manage with local authorities their environment, land, waterways and fisheries.**

⁴ RMA Section 6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance...

(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;

(f) the protection of historic heritage from inappropriate subdivision, use, and development;

(g) the protection of protected customary rights

⁵ RMA Section 7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

(a) kaitiakitanga

⁶ RMA section 8 Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the [Treaty of Waitangi](#) (Te Tiriti o Waitangi).

⁷ Unpublished Report Freshwater: issues and opportunities A scoping paper for the Independent Māori Statutory Board. Prepared by Gerard Willis.

⁸ Kataraina O'Brian and Fiona Mc Tavish, Māori Representation – Democracy in Action cited in Unpublished Report Freshwater: issues and opportunities A scoping paper for the Independent Māori Statutory Board. Prepared by Gerard Willis.



- That delegated responsibilities to local government should include upholding Treaty rights and interests of Māori,
- That section 8 raise the legal status of Treaty provisions from “take into account” to “give effect to and provide for Te Tiriti o Waitangi. In addition section 8 could include further articulation of Treaty principles to avoid confusion and aid to interpretation.
- That the Te Tiriti o Waitangi provision include mechanisms to audit performance and effectiveness of authorities, similar to the role of the Independent Māori Statutory Board (LGA 2009) at a national and regional level to ensure that all parties are meeting their legislative obligations.
- That Iwi authorities be provided with funding to support their participation and contribution to resource management decisions and processes.
- That existing provisions related to the inclusion of Iwi planning documents be strengthened and include funding mechanisms to support the development and implementation of plans in council planning processes.

Issue 4 and 7: Strategic integration across the resource management system and policy and planning framework

In Tāmaki Makaurau, the Auckland Plan 2018 provided a better process and engagement with Māori. At that time the Independent Māori Statutory Board had become more established with a set of instruments and review findings. It had been actively involved at all stages of the Auckland Plan development at political and executive levels.

The experience of the Independent Māori Statutory Board in Tāmaki Makaurau is that spatial planning has been critical in ensuring (1) a clear spatial planning framework for the Auckland Region; and (2) that appropriate recognition and provision has been taken of the rights and interests of Mana Whenua and Mataawaka through the development of the Māori Plan and Schedule of Issues of Significance (updated in 2017).

Working with Māori in 2012, the Independent Māori Statutory Board developed the Māori Plan that has a 30-year timeframe. It sets out their values, aspirations and outcomes and includes a value based Māori Wellbeing measurement system. From this the Independent Māori Statutory Board produced Māori value reports and two Māori Reports as the evidence base to inform the Schedule of Issues of Significance for Māori and decision-making.

The Māori Plan complements the Auckland Plan in part illustrated by Auckland Council's resolution to use it when developing the Auckland Plan 2018. It takes a Te Ao Māori perspective with an intergenerational and integrating outcome approach.

As Treaty partners involved in decision-making, Iwi can be empowered to use a Māori Plan approach which would then form the basis of a Māori Spatial Plan which would be a key instrument for developing a spatial plan.

A Māori Spatial Plan would also draw together Māori interests and long-term priorities from all the Iwi Management Plans in the region with more Iwi specific short-medium term interests and priorities being addressed through second order plans plan eg Area Plans and Master Plans. In some plan processes councils generally refer to the existence of Iwi Management Plans; note that they have considered them but on the whole there is no evidence that councils have addressed and responded to them specifically. The Board recommends that the existing legal provision for Iwi documents be significantly strengthened to give effect to Iwi planning documents registered with local authorities.

The Board has been involved in the lower order spatial plans known as Areas Plans that focus on Local Board areas. We note that engagement with Māori has improved over time with these plans but note that Māori sometimes do not have the time and the resources to participate. To date such plans have been strongly owned by a Local Board and become a vehicle for them to advocate for resourcing. Ideally the Areas Plans should have a statutory status, having a stronger link to the Auckland Plan especially its development strategy, and be more sub-regionally based. Then they would be better pitched to shape Council's LTP decisions. This may also address the very weak link between the Auckland Plan and the LTP that acts predominantly as a 3-year budget.

The relationship between local and central government in developing and implementing the two Auckland Plans has been very political and patchy. Until the last couple of years central government seemingly stepped away from meaningful engagement at both political and executive levels. A Board member was part of work with central government on measures/targets, but this work did not progress. There are some good examples of working together with other sectors such as the ATAP Transport Project, however they do not take an integrated approach and do not address other wellbeing outcomes and equity issues.

A stronger legal link between the Spatial Plan/Auckland Plan (with greater emphasis on development strategy – with long range funding and financing pathways) and the second order plans of both local and central government is needed. This would then encourage the local government Long-term Plans and departmental budgets of key department to become more strategic. It may also improve the political discourse and negotiation. The same applies to making a stronger legislative link between the Auckland Plan and the Unitary Plan.

A more integrated spatial approach to plan-making that has a focus on outcomes points to the desirability and simplicity of integrated institutional arrangements such as a unitary council. Aware of the time and costs of developing an Auckland Sustainability framework and the Regional Growth Strategy we consider that without a Unitary Council it would have taken much more process and resources to develop the Auckland Plan. Regions with larger populations and growth pressures would need to establish unitary councils or put in place mechanisms to operate in a unitary manner..

Therefore we propose that there should be some additional legal provisions, principles and expectations to strengthen and /or establish current arrangements.



Recommendations:

- That the existing legal provision for Iwi documents be significantly strengthened and provided for in council planning documents and processes.
- That there be some legal provisions, principles and expectations to strengthen and/or establish:
 - Spatial planning complemented by a Māori Spatial Plan (building on the Independent Māori Statutory Board Māori Plan approach)
 - The relationship of the Spatial Plan, Unitary Plan, second order plans and the medium and long-term funding pathways and budgets eg LTP and departmental budgets
 - The provisions for Iwi Management Plans or Iwi documents
 - The relationships of the two arms of government and their relationship with Māori
 - Parameters on how the two arms of government work together with the Treaty partners in the resource management system to develop a spatial plan.

Issue 5: Addressing climate change and natural hazards

The Board considers that as a first step the purpose and legal framework for resource management decision-making be set.

These resource management decision-makers (with Māori as Treaty Partners) will then be able to then address climate change and natural hazard challenges taking a long-range outcome focus and be guided by a Te Ao Māori, mātauranga Māori approaches and sound research.

In other words, climate change and natural hazard challenges and the regional adaptation plans be addressed in the development of the spatial plan and that policies and regulatory actions be set in second order plans such as the Unitary Plan. Creating a parallel or separate processes for these challenges would create added demand on limited resources.

Key climate change and natural hazard measures and targets would be reported as part of spatial plan and second order plans, unitary plan reporting and also have national auditing.

Recommendation:

- That any resource management legislation enacted to address climate change uphold Treaty obligations and enhance rangatiratanga and kaitiakitanga of Mana Whenua, Iwi and Hapū and their tribal territory

Issue 6: National direction

The problem with the RMA system is it was brought into effect with no national guidance or direction for about 10-15 years. Every local authority was left to flounder around and make their own decisions about resources whereas a national approach would have greatly enhanced outcomes for both planning and resource use and development. The issue is not whether there is one over-arching National Policy Statement or several. The issue is that such policy statements are necessary and crucial to ensuring national consistency.

There has been inconsistent approach across local government in conducting effective relationships with Mana Whenua and Māori and giving effect to statutory obligations. This is a consequence of insufficient capability, policies and processes. National guidance is required and we propose that there be a National Policy Statement on Te Tiriti/ the Treaty in the resource management system (this would not include the Treaty Settlement process).

Recommendation:

- That the revised resource management system establish a National Policy Statement to guide authorities on provisions related to giving effect to Te Tiriti o Waitangi and the Treaty of Waitangi, including guidance on Iwi with overlapping interests.
- That the revised resource management system establish a National Policy Statement to guide authorities on spatial planning that also includes guidance on recognition and protection of Māori cultural landscapes e.g maunga in Tamaki Makaurau.

Issue 11: System monitoring and oversight

In terms of the support from central government in addition to resources (largely financial and capacity provision) significant guidance will need to accompany any change to the decision making framework. This could look like:

- Guidance material
- Specific direction such as in the form of an NPS on way in which the 4 wellbeing areas can be incorporated into decision making including guidance on Treaty principles. This would include guidance on development of a regional Māori spatial plan (Mana Whenua and Mataawaka, covering both Article 2 and Article 3 matters).
- Model provisions
- Model frameworks for Māori Boards or similar

Recommendation:

- That the panel considers the issues and solutions outlined in this submission to improve Issue 11 – System monitoring and oversight.



Issue 12 and 13: Compliance, monitoring and enforcement/ Institutional Roles and Responsibilities

The Board considers that limited direction and resources have been applied to monitoring evaluation, and enforcement of the resource management system at all levels. The lack of integration across the various plans has meant a proliferation of expectations, guidance and free-floating measures. They have high transaction and resource costs to monitor and review, resulting in patchy responses and little correction.

Central Government national direction and standard setting is starting to get established. The National Monitoring System is relatively young and is mostly process and output focussed. The NES are established by regulation and there has been limited evaluation and considered response to their results. The Environmental Protection Authority has a role in respect of significant consents and enforcement; with the PCE, as a statutory officer providing independent advice of the environmental system, and environmental reporting.

The RM Review provides an opportunity to build on the RM monitoring and reporting to provide clarity and improved monitoring and reporting, for environmental reporting but also the all the well-beings in a spatial plan. We note that there are helpful provisions across legislation for monitoring and reporting; and propose building on these with clarifying responsibilities and establishing a new entity.

We consider that a spatially-based holistic outcomes approach will require more thorough and practicable measurement, evaluation and enforcement. This should bring a greater up front use of research and evidence in the plan development rather than as part of appeal process. As part of good practice, measurement should be undertaken and part of the planning process – not as any afterthought. Some solid initial investigation and then prioritisation by stakeholders will avoid a multitude of measures/ targets.

The Board assumes that there are at least three levels of monitoring and reporting:

- Resource management system level (national level) for direction setting and system effectiveness
- Regional level; (spatial planning direction setting)
- Implementation in the region (Agency, Mana Whenua, Applicant)

Set out in an attachment table are proposals for these levels of monitoring and reporting.

Instead of a staged approach to reform that will delay addressing the obvious challenges, the Board supports a transformative approach that strengthens existing instruments that will require a new entity to drive this reform. We do not consider that any existing agency has the requisite knowledge base and skill sets to set up expectations, critical success factors and undertake robust reviews and audits of the new RM system.

Consistent with supporting a Treaty-based decision-making framework in RM decision-making, this new entity would include a National Advisory Māori Board to monitor efficiency and effectiveness of Treaty-based provisions. This could include or setting up expectations and measures for central government, local government and Iwi/tangata whenua, to identify and account for Te Tiriti, rangatiratanga and kaitiakitanga objectives in their direction, planning and monitoring/review.

Recommendations:

- **Note that three levels of direction-setting, monitoring and reporting are required for the resource management system.**
- **That a new national body that includes a Māori Board is established that sets direction for the resource management system and undertakes audits of performance including meeting Treaty responsibilities.**
- **That key government departments are responsible for setting expectations, standards and guidance, and measures / bottom lines for the four wellbeing.**
- **That local government operates at a regional level as unitary councils with a Māori Board (with members selected by an iwi selection panel) or using a unitary council model.**



Attachment : Instruments for Compliance, Monitoring and Compliance

Goal-Instruments	Agency	Expectations to	Comment
<p>Ongoing effectiveness of the RM System</p> <p>Monitoring and Reporting on RM System</p>	<p>New Agency – Crown Owned Entity – with National Advisory Māori Board.</p> <p>Input from Infrastructure Commission, EPA and PCE</p>	<p>CG/LG Performance focus</p> <p>Expectations and guidance</p> <p>Review and audits as required</p> <p>Treaty Audits</p>	<p>EPA is environmentally focussed.</p> <p>This new entity also covers development/spatial planning/the four well-beings</p> <p>The National Advisory Māori Board could provide advice to non- growth regions.</p>
<p>National direction and standard setting</p> <p>National spatial plan policy statement and standards</p> <p>NPS for Treaty Principles</p>	<p>Te Arawhiti - The Office for Māori Crown Relations (Treaty)</p> <p>MfE (environment/urban development)</p> <p>MfE/Chief Statistician for wellbeing indicators</p> <p>Oversight from the central agencies – e.g. strategic direction, infrastructure, funding and financing, CE accountability</p>	<p>Councils</p>	<p>The Chief Statistician is independent re indicators</p>
<p>Accountability to local communities</p> <p>Developing, monitoring and reporting on spatial plans</p>	<p>Unitary Council with regional Māori Board (growth regions) including a Māori Spatial Plan</p> <p>District Council/RC joint committee (smaller non growth regions)</p>	<p>Three-yYearly full report (prior to LTP) for accountability to communities</p>	<p>Yearly theme-based reports focussing on impacts and responses</p> <p>Ensure responsiveness to regional/local aspirations and circumstances</p>

<p>Enforcement of resource consenting decisions/conditions</p> <p>Review environmental reporting</p>	<p>Council at local and regional levels</p> <p>EPA for significant consents)</p> <p>PCE</p>	<p>Resource users</p>	<p>Note the increased role of the EPA for enforcement (RMA Amendment 2019)</p>
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Appendix 2

Feedback from the Independent Māori Statutory Board

Item 14

Attachment B



Natural and Built Environments Bill exposure draft

Key Points from the Independent Māori Statutory Board

Contact Details on behalf of the Independent Māori Statutory Board:

Leesah Murray Chief Executive leesah.murray@imsb.maori.nz

*Mānawa maiea te putanga o Matariki.
Mānawa maiea te ariki o te rangi.
Mānawa maiea te mātahi o te tau.*

*Nēi rā te matihere o te aroha e rere atu nei ki a koutou i te putanga o Matariki.
Koinei te wāhanga o te tau kia whakamahara i te hunga kua whetūrangitia, ā, kāti kei ngā
mate tāruru nui o te wā, haere, haere, haere, whakaoti atu.
Me whakamanawa hoki i ngā mahi kua tūtuki i te tau kua pāhemo ka mutu me whakarite hoki i
ngā mahere mō te tau hou e haere ake nei.*

*Koia nei te take e tuhi ana tā mātou tono ki a koutou i raro i te maru o Te Ture Whakahaere
Rawā hou kia rangona ai te reo o te Independent Māori Statutory Board e kōkiri ana i ngā
pānga Māori i Tāmaki Makaurau.*

Introduction

The Independent Māori Statutory Board (the Board) has a statutory purpose and role to assist Auckland Council to make decisions, perform functions, and exercise powers by monitoring Council against its Treaty of Waitangi obligations, and promoting Issues of Significance to Māori in Tāmaki Makaurau (Auckland).

The Board achieves its purpose and functions through:

- undertaking its own consultation and research; and using the Māori Plan and Māori Reports as an evidence base;
- using its statutory Schedule of Issues of Significance for Māori as a focus for its strategic direction and advocacy;
- its membership and decision-making on Council committees, hearings, workshops, Council Controlled Organisation appointment panels and other political oversight and working groups;
- monitoring and advising on Council's operations, documents and processes such as the Auckland Plan and the Long-term Plan; and
- undertaking reviews and Te Tiriti o Waitangi Audits of the Auckland Council Group.

Over the last ten years the Board has been involved in Council's spatial planning (Auckland Plan and secondary spatial plans), resource management planning and decision-making; and has had the opportunity to consider what has worked well and identify areas of improvement.

The Board is pleased to see a number of positive proposals in the exposure bill that acknowledge Māori interests and roles in the resource management system. However, there are gaps and adjustments that we recommend that are based on our own experience and functions.



The Natural and Built Environments Act should be shaped by the Spatial Planning Act governance and directions and the Board makes some initial comments on the relationship of this proposed Act to the Natural and Built Environments Act.

Submission Points

Overall, a total of 12 recommendations are made by the Independent Māori Statutory Board and a list of proposed amendments to the exposure draft (in Appendix A). Below is a summary of the overarching submission points:

- **The principle of rangatiratanga and partnership as a matter of national importance** by empowering Māori to co-govern/own and co-manage with local authorities their environment, land, waterways and fisheries. The discharge of kaitiakitanga is very much based on rangatiratanga of iwi/hapū in their rohe. This should be addressed in the governance structure's decision-making framework in the proposed Strategic Planning Act. The Natural and Built Environments Bill will then need to ensure it is aligned to this position.
- **A topic in the national planning framework must include Te Tiriti o Waitangi outcomes that are listed in Section 8 (f) – (i) and be supported by an appropriate National Policy Statement on Te Tiriti o Waitangi.** It is of concern that these matters are not included up front in the requirements of the National Policy Framework. It is essential that there is national guidance on Te Tiriti outcomes to provide guidance and to ensure consistency across Aotearoa (section 13).
- **Develop a National Policy Statement for Te Tiriti o Waitangi provisions.** As noted above, it is essential that the revised resource management system includes a National Policy Statement to guide decision-makers on Te Tiriti o Waitangi provisions.
- **Spatial Plans and Natural and Built Environment Plans to include provision for receipt and consideration of iwi planning documents and existing agreements,** for example iwi management plans and Mana Whakahono ā Rohe. There is no mention of iwi planning documents that set out iwi interests and aspirations for their rohe. This reference needs to be included and be strengthened from the way it currently sits in the resource management regime. It also must include mandatory funding and/or resourcing by local government to support the development and implementation of iwi management plans in the wider planning process to inform overall spacial plans across regions.
- **Monitoring and reviewing delivering Te Tiriti o Waitangi provisions.** We strongly recommend that the National Māori Body include mechanisms to monitor and review local authorities on the way in which they are delivering on Te Tiriti o Waitangi provisions, similar to the role of the Independent Māori Statutory Board (LGA 2009) at a national level, to ensure that all parties are meeting their legislative obligations. The Board's role is set out in the Local Government (Auckland Council) Amendment Act 2009, Schedule 2. Our observation is that many local government entities have been tardy in developing policy and processes for engaging effectively with Māori and addressing their interests.
- **Iwi authorities be provided with -resourcing to support their participation and contribution** to the design of the resource management system, its decision-making and operations.

Rangatiratanga and the Strategic Planning Act

The Natural and Built Environments Act must be shaped by the Spatial Planning Act governance and directions.

Strategic and spatial planning, land use (development) and environmental protection cannot be separated and need to be managed and considered holistically to achieve local, regional and national outcomes.

A holistic approach is more aligned to a Te Ao Māori worldview. A holistic approach should also strengthen the consideration of cumulative effects which is currently not being managed effectively in decision-making processes. i.e. improving outcomes for people, indigenous species and the environment, not just managing effects. It is important that land use and environmental protection is strategic and takes a long-term and intergenerational view that focuses on achieving all the wellbeing outcomes in rohe and spatial areas.

The current resource management system does not identify the principle of rangatiratanga or provide mana whenua, iwi and hapū with the ability to exercise rangatiratanga to make strategic and resource management decisions about their tribal territory. As part of the contemporary Treaty discourse and [post] Treaty Settlement era, the resource management system should at least mirror established Treaty Settlement arrangements with mana whenua. This requires transformative change to our current resource management system and decision-making roles.

It is the view of the Independent Māori Statutory Board (the Board) that the strategic planning legislation incorporate all the strategic aspects and principles of decision-making that currently sit across all the statutes that have strategic and spatial lenses. All of these are required to be integrated in the Spatial Planning Act to which the other pieces of legislation are aligned. The framework should also be enhanced to ensure that the mana of Māori as rangatira in decision making is appropriately recognised and provided for.

Māori, with their Te Ao Māori perspective, and as a Treaty partner expressing their rangatiratanga, should be sitting at this regional decision-making table to develop Long-term Regional Spatial Strategies and Natural and Built Environmental Plans.

The Natural and Built Environments Act does not provide for the expression of rangatiratanga. We recommend that mana whenua as Treaty partner expressing their rangatiratanga be included in the Spatial Planning Act and that the Natural and Built Environments Act be aligned to this.

This approach to the resource management system provides an opportunity to broaden and elevate the Crown's current approach for contemporary legal expressions of rangatiratanga such as the establishment of the Independent Māori Statutory Board, co-governance of defined areas and joint management forums. There is growing evidence that co-governance arrangements with Māori drive better decision-making, improve environmental outcomes and strengthen connections and relationships between people and their environment.

The findings of various reports reveal that co-management arrangements with Māori, effectively address the policy failings of the status quo system and offer an attractive governance alternative which is based on the notion of indigenous environmental ethics.¹ Enacting rangatiratanga through local government and iwi co-governing resource management decisions will ensure iwi and hapū knowledge and practices are elevated to be an integral part of the resource management system. It is the Board's view that any new

¹ Norman, P. (2011) Crown and Iwi Co-Management: A Model for Environmental Governance in New Zealand. http://www.kaiparaharbour.net.nz/Content/Publications/Norman2011CrownIwico_management_a_model_for_envtal_governance_NZ.pdf

Auditor General Office (2016) Principles for effectively co-governing natural resources. <https://www.oag.govt.nz/2016/cogovernance/docs/co-governance-amended.pdf>



legislation must address the principle of rangatiratanga and partnership by enabling Māori to co-govern/own and co-manage with local authorities their environment, land, waterways and fisheries. After all, these are resources that were confiscated from Māori through colonisation. These effects were to be addressed through Te Tiriti o Waitangi, however 181 years later, true partnership, preservation and participation is yet to be realised.

The new resource management system also provides an opportunity to address a long-held issue for Māori. This is, that the Crown has the ability to delegate authority, roles, functions and powers but does not delegate authority to local authorities to uphold Treaty responsibilities associated with resource management decisions. It is the Board's view that the delegation of responsibilities to local authorities include accountability for being consistent and giving effect to the principles of Te Tiriti o Waitangi. This clarity will greatly assist in maintaining the integrity of Crown's Treaty relationship with Māori by ensuring that local government as the Crown's delegate will realise the Treaty relationship expectations are implemented effectively at the regional and local levels.

Recommendations:

1. The strategic planning legislation incorporate all the strategic aspects and principles of decision-making that currently sit across all the statutes that have strategic and spatial lenses.
2. The Natural and Built Environments Bill and the Managed Retreat and Climate Change Adaptation Bill provisions are strongly aligned to this strategic decision-making framework.
3. That the high level strategic decision-making framework (in the Strategic Planning Act) should be enhanced to ensure that the mana of Māori as rangatira in decision making is appropriately recognised and provided for.

The National Planning Framework

The Board supports a strong strategic and regulatory direction from central government, particularly guidance on giving effect to te ao Māori and the principles of Te Tiriti o Waitangi. Traditionally local government have maintained a position that has emphasised the Crown's relationship with mana whenua and not prioritised their own relationships, therefore the impact is an inconsistent approach across local government in conducting effective relationships with mana whenua and Māori and giving effect to their statutory obligations. This is a consequence of insufficient capability, policies and processes.

Local government has substantial delegated Te Tiriti o Waitangi responsibilities that should be reinforced at all levels of the resource management system, particularly all levels of the National Planning Framework. As Te Tiriti o Waitangi is a matter of national significance that requires consistency across the motu, the Board supports the inclusion of the following in the National Planning Framework:

Te Tiriti o Waitangi Outcomes

A topic in the national planning framework must include Te Tiriti o Waitangi outcomes that are listed in Section 8 (f) – (i) and be supported by appropriate National Policy Statement on Te Tiriti o Waitangi. It is of great concern that they are not included up front in the requirements of the National Planning Framework (section 13). For example, the National Policy Statement would provide guidance on:

- how Te Tiriti o Waitangi principles are put into practice
- supporting processes for engagement and enabling Māori participation
- use of mātauranga Māori
- use of iwi management plans and other iwi documents
- implementation and monitoring of Cultural Value Assessments
- recognition and protection of Māori cultural landscapes, wāhi tapu, sites of significance and reporting and measurement.

Our concern is that every region and every government department will develop their own guidelines and approach. This is not only inefficient it places an enormous burden on mana whenua and Māori to engage repetitively on the same issues. This is an important area for national consistency. We expect and recommend that this national guidance would focus on principles, policy and processes rather than the content of specific local interests. However, it is important that mana whenua make decisions jointly on regional planning committees rather than have a separate advisory role (such as in a shadow Māori Committee) and that individual iwi can apply their interests at the regulatory operational level.

The Board agreed that further work is required on section 18, implementation principles but is of the view that this should be in addition to having a topic in the National Planning Framework on Te Tiriti o Waitangi outcomes (with NPS guidance). In other words, both are required one is not in lieu of the other.

Recommendations:

4. A topic in the National Planning Framework must include Te Tiriti o Waitangi outcomes that are listed in Natural and Built Environments Bill, Section 8 (f) – (i) and be supported by an appropriate National Policy Statement on Te Tiriti o Waitangi.
5. The National Planning Framework include a National Policy Statement to guide local authorities on provisions related to giving effect to Te Tiriti o Waitangi.
6. Mana whenua make decisions jointly on regional planning committees rather than have a separate advisory role.

Natural and Built Environment Plans to include provision for receipt and consideration of iwi planning documents and existing agreements

It is the Board's experience that councils lack specific policy guidance to "take into account" iwi planning documents and as a result, the effectiveness of the provision has decreased.

The RMA recognises the role of tangata whenua in various provisions of the Act. As part of achieving the purpose of the RMA, consent authorities are required to consult iwi, and to take into account planning documents prepared by them RMA (sections 61(2A)(a), 66(2A)(a), and 74(2A)). Local authorities are directed to "take into account" iwi planning documents when preparing and changing a regional policy statement, a regional plan or district plan. The use and implementation of iwi planning documents give effect to Part 2 of the RMA, particularly sections 6(e), 6(f), 6(g)², 7(a)³, and 8.⁴

Spatial planning, Regional and District Plans have become a fundamental tool of strategic work that local authorities undertake. These various plans should take into account iwi planning documents by providing for and supporting their integration into council plans. It is important for meaningful partnership that existing provisions related to the inclusion of iwi planning documents be strengthened. It is also necessary that funding mechanisms to support the development and implementation of plans in council planning processes are provided for.

² RMA Section 6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance...

(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

(f) the protection of historic heritage from inappropriate subdivision, use, and development:

(g) the protection of protected customary rights

³ RMA Section 7 Other matters - In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to— (a) kaitiakitanga

⁴ RMA section 8 Treaty of Waitangi - In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).



The exposure bill has no mention of iwi planning documents that set out iwi interests and aspirations for their rohe. This reference needs to be included and be strengthened specifically highlighted in section 24 and Schedule 2. Preparation of Natural and Built Environments Plans and include funding by local government to support the development and implementation of iwi management plans in the wider planning process.

Recommendations:

7. Spatial Plans and Natural and Built Environment Plans must include provision for receipt and consideration of iwi planning documents and existing agreements.
8. That specific funding and resourcing obligations on local authorities are included in the legislation.

Monitoring and reviewing in delivery on Te Tiriti o Waitangi provisions

The Board strongly supports raising the legal status of Treaty Provisions from *'take into account'* to *'give effect to and provide for Te Tiriti o Waitangi'*. If this requirement is addressed in the National Planning Framework and supported by a National Policy Statement, then there is the basis for the monitoring and review of the activity. This can develop over time to enhance best practice standards for giving effect to and providing for Te Tiriti o Waitangi.

By way of illustration, the Board uses a Te Tiriti o Waitangi audit to assess the performance of the various groups within Auckland Council in the context of its various statutory references and responsibilities to Te Tiriti o Waitangi. Four Te Tiriti o Waitangi audits have been undertaken using a legislative framework and audit approach as well as two reviews into council systems and financial expenditure on Māori outcomes. This resulted in Auckland Council developing a formal and politically endorsed programme of actions to address audit recommendations. Progress is reported to Council committees including monitoring oversight by the Audit and Risk Committee.

The Board considers its statutory purpose to assess the performance of Auckland Council using an audit approach has created both strong incentives for action and correction but also a workable and practical framework for the Council to implement. As the resource management system lacks structured reviews and audits with consequences, we recommend that a Te Tiriti o Waitangi audit or evaluation instrument be used at a national (for guidance) and regional level to ensure that all parties are meeting their legislative obligations in planning (spatial and second order plans) and regulatory activities.

We strongly recommend that a National Māori Body has the function to review performance and effectiveness of local government authorities for delivering on Te Tiriti o Waitangi provisions, similar to the role of the Independent Māori Statutory Board (LGA 2009) to ensure that all parties are meeting their legislative obligations. Our observation is that many local government entities have had inadequate incentives and sanctions in developing policy and processes for engaging effectively with Māori and addressing their interests.

The extent of change in the resource management system, the three waters and local government are placing increased demands on mana whenua and Māori. This requires new policies and processes which will require resourcing/funding to improve and support Māori participation in the design and operation of the new system.

Recommendations:

9. The principle of rangatiratanga and partnership be addressed by empowering Māori to cogovern/own and co-manage with local authorities their environment, land, waterways and fisheries (as part of the Strategic Planning Act and that the Natural and Built Environments Act).
10. The National Planning Framework and a National Policy Standard in giving effect to Te Tiriti o Waitangi be monitored and reviewed on a three-year cycle (by an Independent National Māori Body).
11. The functions and responsibilities of local government should be consistent and give effect to the principles of Te Tiriti o Waitangi.
12. Iwi authorities be provided with resourcing and funding to support their participation and contribution.

Other General Points and Recommendations

Set out below is a list of mainstream points and some specific legislative recommendations in Appendix A:

- Include a definition of cultural landscapes and that this definition as set out in 6 (iv)
- Use the Resource Management Review Panel's sensible attributes of built environment (page 487 of their report) refers to develop a definition for the built environment.
- Further work on Te Oranga o te Taiao needs to be developed and cleared by mana whenua to ensure that it draws from their Te Ao Māori worldview and experiences.
- There must be some prioritisation of environmental outcomes (based on the bill's purpose). We recommend that you build from the existing RMA s6 and s5 and that some of the longer list of outcomes could be better placed in the Strategic Planning Act. • That there is a clear explanation of how the National Planning Framework relates to the Strategic Planning Act. Ideally spatial planning is done both nationally and regionally/locally and the Natural and Built Environment Plans then must give effect to the Long-term Spatial Strategy (not the other way round).
- The exposure bill has no mention of iwi planning documents that set out iwi interests and aspirations for their rohe. This reference needs to be included and be strengthened (specifically highlighted in section 24 and schedule 2 Preparation of natural and built environments plans).
- Strong recommendation that the legislation include provisions that assist in resolving the conflicts relating to the environmental outcomes rather than rely on secondary mechanisms. It could be by way of a schedule.
- Amend clause 13 to 13 (j) (Treaty relationships and iwi and hapū environmental issues of significance in te taiao). This follows from Clause 8 of the Environmental Outcomes 8 (f) to (h).
- An emphasis of rangatiratanga in implementation principles.
- Use of a mana whenua selection body to select two members to the Planning Committee (building on the process used for the Independent Māori Statutory Board).



Natural and Built Environments Bill: Specific Comments

Part or Clause	Provision	Specific comments
	<p>cultural heritage (a) means those aspects of the environment that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities: (i) archaeological: (ii) architectural: (iii) cultural: (iv) historic: (v) scientific: (vi) technological; and (b) includes— (i) historic sites, structures, places, and areas; and (ii) archaeological sites; and (iii) sites of significance to Māori, including wāhi tapu; and (i) surroundings associated with those sites</p>	<ul style="list-style-type: none"> This definition is from the existing RMA. Recommend that you include a definition of cultural landscapes and that this definition as set out in 6 (iv) be amended accordingly.
	<p>environment means, as the context requires (a) the natural environment: (b) people and communities and the built environment that they create: (b) the social, economic, and cultural conditions that affect the matters stated in paragraphs (a) and (b) or that are affected by those matters</p>	<ul style="list-style-type: none"> The natural environment is defined but the built environment is not and it should be the current RMA definition of environment is much clearer. The term "(a) ecosystems and their constituent parts, including people and communities" reflects more a Te Ao approach than linking people and communities just to the built environment. We recommend that you use the review panel's very sensible attributes of built environment (page 487 of their report refers) to develop a definition for the built environment. -enhancement of features and characteristics that contribute to the quality of the built environment -sustainable use and development of the natural and built environment in urban areas including the capacity to respond to growth and change -availability of development capacity for housing and business purposes to meet expected demand -strategic integration of infrastructure with land use.
	<p>environmental outcomes means the outcomes provided for in section 8</p>	
	<p>kaitiakitanga means the exercise of guardianship by iwi, hapū and whanau of an area in accordance with tikanga Māori in relation to the natural and built environment.</p>	<ul style="list-style-type: none"> Support – as the location of buildings may be on cultural landscapes and sites of significance. These may be reflected

		in other ways in the building, pou and Māori Urban Design.
Part 2 - Purpose and related provisions		
Clause 5	<p>Purpose of this Act</p> <p>(1) The purpose of this Act is to enable—</p> <p>(a) Te Oranga o te Taiao to be upheld, including by protecting and enhancing the natural environment; and</p> <p>(b) people and communities to use the environment in a way that supports the well-being of present generations without compromising the well-being of future generations.</p> <p>(2) To achieve the purpose of the Act,</p> <p>(a) use of the environment must comply with environmental limits; and</p> <p>(b) outcomes for the benefit of the environment must be promoted; and</p> <p>(c) any adverse effects on the environment of its use must be avoided, remedied, or mitigated.</p> <p>(3) In this section, Te Oranga o te Taiao incorporates—</p> <p>(a) the health of the natural environment; and</p> <p>(b) the intrinsic relationship between iwi and hapū and te taiao; and</p> <p>(c) the interconnectedness of all parts of the natural environment; and</p> <p>(a) the essential relationship between the health of the natural environment and its capacity to sustain all life.</p>	<ul style="list-style-type: none"> • Te Oranga o te Taiao – this requires further work as it may also have wider considerations for Māori. For example, the principle of options mean Māori having the option of “walking in two worlds”. • However, any detail needs to be developed and cleared by mana whenua to ensure that it draws from their Te Ao Māori and experiences.
Clause 6	<p>Te Tiriti o Waitangi</p> <p>All persons exercising powers and performing functions and duties under this Act must give effect to the principles of te Tiriti o Waitangi.</p>	Strongly support.
Clause 8	Environmental outcomes	It is not clear from this exhaustive list of outcomes - what is the most important?



	<p>To assist in achieving the purpose of the Act, the national planning framework and all plans must promote the following environmental outcomes:</p> <ul style="list-style-type: none"> (a) the quality of air, freshwater, coastal waters, estuaries, and soils is protected, restored, or improved; (b) ecological integrity is protected, restored, or improved; (c) outstanding natural features and landscapes are protected, restored, or improved; (d) areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected, restored, or improved; (e) in respect of the coast, lakes, rivers, wetlands, and their margins, <ul style="list-style-type: none"> (i) public access to and along them is protected or enhanced; and (ii) their natural character is preserved; (f) the relationship of iwi and hapū, and their tikanga and traditions, with their ancestral lands, water, sites, wāhi tapu, and other taonga is restored and protected; (g) the mana and mauri of the natural environment are protected and restored; (h) cultural heritage, including cultural landscapes, is identified, protected, and sustained through active management that is proportionate to its cultural values: <ul style="list-style-type: none"> (i) protected customary rights are recognised; (j) greenhouse gas emissions are reduced and there is an increase in the removal of those gases from the atmosphere; (k) urban areas that are well-functioning and responsive to growth and other changes, including by— <ul style="list-style-type: none"> (i) enabling a range of economic, social, and cultural activities; and (ii) ensuring a resilient urban form with good transport links within and beyond the urban area; (l) a housing supply is developed to— <ul style="list-style-type: none"> (i) provide choice to consumers; and (ii) contribute to the affordability of housing; and 	<p>We expect that the NPF will provide some direction to the local decision makers having to address all these environmental outcomes.</p> <p>Ideally given the purpose of this act there must be some prioritisation in this exposure bill. We recommend that you build from the existing RMA s6 and s5 and that this longer list of outcomes could be better placed in the Strategic Planning Act. A real concern is that we end up in confusion around trade-offs that we have been under the RMA (where you have a regime where the priority in s6 and s7 is very clear).</p> <p>More specifically, we consider that clause 8 include the principle of rangatiratanga and partnership.</p> <p>It is not evident why does (h) have a qualifier (that is proportionate to) whereas the other outcomes do not have a qualifier? Also (i) has a qualifier too?</p>
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	<ul style="list-style-type: none"> (iii) meet the diverse and changing needs of people and communities; and (iv) support Māori housing aims: (m) in relation to rural areas, development is pursued that— <ul style="list-style-type: none"> (i) enables a range of economic, social, and cultural activities; and (ii) contributes to the development of adaptable and economically resilient communities; and (iii) promotes the protection of highly productive land from inappropriate subdivision, use, and development: (n) the protection and sustainable use of the marine environment: (o) the ongoing provision of infrastructure services to support the well-being of people and communities, including by supporting— <ul style="list-style-type: none"> (i) the use of land for economic, social, and cultural activities: (ii) an increase in the generation, storage, transmission, and use of renewable energy: (p) in relation to natural hazards and climate change, <ul style="list-style-type: none"> (i) the significant risks of both are reduced; and (i) the resilience of the environment to natural hazards and the effects of climate change is improved. 	
<i>Requirement for national planning framework</i>		
<p>Clause 9</p>	<p>National planning framework</p> <ul style="list-style-type: none"> (1) There must at all times be a national planning framework. (2) The national planning framework— <ul style="list-style-type: none"> (a) must be prepared and maintained by the Minister in the manner set out in Schedule 1; and (a) has effect when it is made by the Governor-General by Order in Council under section 11. 	<p>It is important that there is a clear explanation of how the NPF relates to the Strategic Planning Act. The Strategic Planning Act has to focus on community buy-in of a vision and long-range spatial plan for the region (that is bigger than the activities of a council and also includes government departments, Māori and community groups). Whereas the National and Built Environments focus is on the plan for land use that meets environmental standards and enhances the natural environment over time.</p> <p>Ideally spatial planning is done both nationally and regionally/locally and the National and Built Environment Plans then must give effect to the Long-term Spatial Strategy (not the other way round).</p>



		It is crucial the NPF should assist in affirming this this order (and that both arms of government are committed to this and delivering on their parts of the Long-term Spatial Strategy). Otherwise the Long-term Spatial Strategy becomes ineffectual as a statement of motherhood and apple pie”.
Clause 10	<p>Purpose of national planning framework The purpose of the national planning framework is to further the purpose of this Act by providing integrated direction on—</p> <p>(a) matters of national significance; or (b) matters for which national consistency is desirable; or (b) matters for which consistency is desirable in some, but not all, parts of New Zealand.</p>	
Clause 13	<p>Topics that national planning framework must include</p> <p>(1) The national planning framework must set out provisions directing the outcomes described in—</p> <p>(a) section 8(a) (the quality of air, freshwater, coastal waters, estuaries, and soils); and (b) section 8(b) (ecological integrity); and (c) section 8(c) (outstanding natural features and landscapes); and (d) section 8(d) (areas of significant indigenous vegetation and significant habitats of indigenous animals); and (e) section 8(j) (greenhouse gas emissions); and (f) section 8(k) (urban areas); and (g) section 8(l) (housing supply); and (h) section 8(o) (infrastructure services); and (i) section 8(p) (natural hazards and climate change);</p> <p>(2) The national planning framework may also include provisions on any other matter that accords with the purpose of the national planning framework, including a matter relevant to an environmental outcome provided for in section 8.</p> <p>(1) In addition, the national planning framework must include provisions to help resolve conflicts relating to the environment, including conflicts between or among any of the environmental outcomes described in section 8.</p>	<p>We are of the view that the legislation include provisions that assist in resolving the conflicts relating to the environment. It could be by way of a schedule.</p> <p>Recommend that you include the matters arising from Te Tiriti o Waitangi relationships and issues of significance for Mana Whenua and Mātāwaka (as per the Auckland Unitary Plan Regional Policy Statement).</p> <p>Amend clause 13 to 13 (j) (Te Tiriti o Waitangi relationships and iwi and hapū environmental issues of significance in te taiao). This follows from Clause 8 Environmental Outcomes 8 (f) to (h).</p> <p>This can link to the National Policy Statement on Giving Effect to Te Tiriti o Waitangi principles.</p>
Clause 14	Strategic directions to be included	

	<p>The provisions required by sections 10, 12, and 13 must include strategic goals such as—</p> <p>(a) the vision, direction, and priorities for the integrated management of the environment within the environmental limits; and</p> <p>(a) how the well-being of present and future generations is to be provided for within the relevant environmental limits.</p>	
Clause 15	<p>(1) The national planning framework may direct that certain provisions in the framework—</p> <p>(a) must be given effect to through the plans; or</p> <p>(b) must be given effect to through regional spatial strategies; or</p> <p>(c) have direct legal effect without being incorporated into a plan or provided for through a regional spatial strategy.</p> <p>(2) If certain provisions of the national planning framework must be given effect to through plans, the national planning framework may direct that planning committees—</p> <p>(a) make a public plan change; or</p> <p>(b) insert that part of the framework directly into their plans without using the public plan change process; or</p> <p>(c) amend their plans to give effect to that part of the framework, but with-out—</p> <p>(i) inserting that part of the framework directly into their plans; or</p> <p>(ii) using the public plan change process.</p> <p>(1) Amendments required under this section must be made as soon as practicable within the time, if any, specified in the national planning framework.</p>	
Clause 18	<p>[Placeholder for implementation principles. The drafting of this clause is at the indicative stage; the precise form of the principles and of the statutory functions they apply to are still to be determined. In paras (b) and (e), the terms in square brackets need to be clarified as to the scope of their meaning in this clause.] [Relevant persons must]—</p> <p>(a) promote the integrated management of the environment.</p>	<ul style="list-style-type: none"> • An emphasis of rangatiratanga in implementation • Needs to include co- governance, co-management and joint management agreements; and delegation of powers.

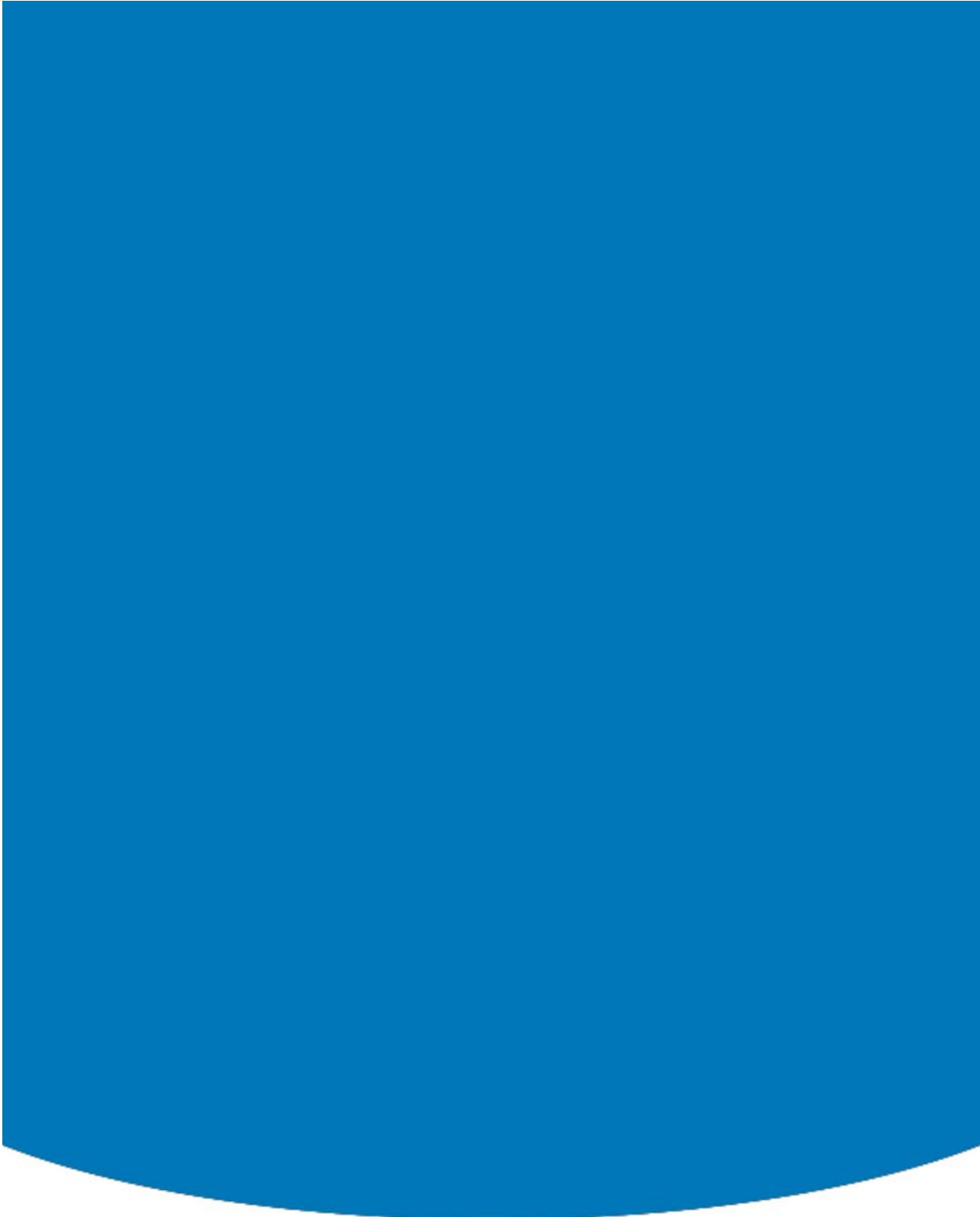


	<p>(b) recognise and provide for the application, in relation to [te taiao], of [kawa, tikanga (including kaitiakitanga), and mātauranga Māori]:</p> <p>(c) ensure appropriate public participation in processes undertaken under this Act, to the extent that is important to good governance and proportionate to the significance of the matters at issue:</p> <p>(d) promote appropriate mechanisms for effective participation by iwi and hapū in processes undertaken under this Act:</p> <p>(e) recognise and provide for the authority and responsibility of each iwi and hapū to protect and sustain the health and well-being of [te taiao]:</p> <p>(f) have particular regard to any cumulative effects of the use and development of the environment:</p> <p>(g) take a precautionary approach.</p>	
<i>Contents of plans</i>		
<i>Planning committees</i>		
Clause 23	<p>Planning committees</p> <p>(1) A planning committee must be appointed for each region.</p> <p>(2) The committee's functions are—</p> <p>(a) to make and maintain the plan for a region using the process set out in Schedule 2; and</p> <p>(b) to approve or reject recommendations made by an independent hearings panel after it considers submissions on the plan; and</p> <p>(c) to set any environmental limits for the region that the national planning framework authorises the committee to set (see section 7).</p> <p>(3) Provisions on the membership and support of a planning committee are set out in Schedule 3.</p>	<ul style="list-style-type: none"> Māori technical representation on IHP? Māori Planning Expert
Clause 24	<p>Considerations relevant to planning committee decisions</p> <p>(1) A planning committee must comply with this section when making decisions on a plan.</p> <p>(2) The committee must have regard to—</p> <p>(a) any cumulative effects of the use and development of the environment:</p>	<ul style="list-style-type: none"> The exposure bill has no mention of Iwi planning documents that set out Iwi interests and aspirations for their rohe. This reference needs to be included and be strengthened (specifically highlighted in section 24 and schedule 2 Preparation of natural and built environments plans) and include funding by local government to support the development and implementation of Iwi management plans in the wider planning process.

	<p>(b) any technical evidence and advice, including mātauranga Māori, that the committee considers appropriate;</p> <p>(c) whether the implementation of the plan could have effects on the natural environment that have, or are known to have, significant or irreversible adverse consequences;</p> <p>(d) the extent to which it is appropriate for conflicts to be resolved generally by the plan or on a case-by-case basis by resource consents or designations.</p> <p>(3) The committee must apply the precautionary approach.</p> <p>(4) The committee is entitled to assume that the national planning framework furthers the purpose of the Act, and must not independently make that assessment when giving effect to the framework.</p> <p>(5) [Placeholder for additional matters to consider.]</p> <p>(6) In subsection (2)(d), conflicts—</p> <p>(a) means conflicts relating to the environment; and</p> <p>(b) includes conflicts between or among any of the environmental outcomes described in section 8.</p>	
Clause 1	<p>Membership of planning committees</p> <p>(1) The members of a region's planning committee are—</p> <p>(a) 1 person appointed under clause 2 to represent the Minister of Conservation;</p> <p>(b) mana whenua representatives appointed under clause 3;</p> <p>(c) either—</p> <p>(i) 1 person nominated by each local authority that is within or partly within the region; or</p> <p>(ii) [placeholder for appropriate representation if the regional council is a unitary authority].</p> <p>(1) Despite subclause (1)(c), the same person may be nominated by more than 1 local authority for the purpose of that paragraph.</p>	
Clause 2	<p>Appointment of member to represent Minister of Conservation [Placeholder.]</p>	
Clause 3	<p>Appointment of mana whenua members</p> <p>[Placeholder] This section sets out—</p> <p>(a) how many mana whenua representatives may be appointed to a planning committee; and</p> <p>(b) how those representatives are selected and appointed.</p>	<ul style="list-style-type: none"> The Board recommends use of a Mana Whenua Selection body to select two members. The policy and process can be built on the process used for the Independent Māori Statutory Board



Clause 4	Appointment of planning committee chairperson [Placeholder.]	
<i>Support</i>		
Clause 5	<p>Planning committee secretariat</p> <p>(1)[Placeholder] Each planning committee must establish and maintain a secretariat.</p> <p>(2) The function of the secretariat is to provide any advice and administrative support that the committee requires to help it carry out its functions under this Act, including, for example, to—</p> <p>(a) provide policy advice:</p> <p>(b) commission expert advice:</p> <p>(c) draft plans and changes to plans: (d) co-ordinate submissions.</p> <p>(3)[Placeholder: policy intent is that local authorities support secretariat.]</p>	<ul style="list-style-type: none"> • Adequate funding and resourcing to support and enable Māori participation.





Appointment of Independent Māori Statutory Board member to CCO Director Selection and Recruitment Panel

File No.: CP2022/03515

Item 15

Ngā tūtohunga Recommendation/s

That the Independent Māori Statutory Board:

- a) appoint a Board member to join a CCO Board Director Selection and Appointment Panel for a vacancy on the Auckland Unlimited Board.

Te take mō te pūrongo Purpose of the report

1. To confirm one Independent Māori Statutory Board member to join a Selection and Recruitment Panel, to be established by resolution of the Auckland Council Appointments and Performance Review Committee on 5 April 2022.

Whakarāpopototanga matua Executive summary

2. An agenda report on the Appointments and Performance Review (APR) Committee meeting 5 April 2022 will seek to establish a panel to search for a new director for the Auckland Unlimited Board. The Independent Māori Statutory Board will be requested to nominate a member to join the panel.
3. The selection process is expected to take place over the April-June 2022 period, with a detailed timeline to be made available in the APR Committee agenda report.

Ngā tāpirihanga Attachments

There are no attachments for this report.

Ngā kaihaina Signatories

Authors	Kelvin Norgrove - Policy Project Manager
Authorisers	Leesah Murray - Independent Māori Statutory CEO



Exclusion of the Public: Local Government Official Information and Meetings Act 1987

That the **Independent Māori Statutory Board**

a) exclude the public from the following part(s) of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

C1 Annual Report 2020/2021

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(f)(ii) - The withholding of the information is necessary to maintain the effective conduct of public affairs through the protection of such members, officers, employees and persons from improper pressure or harassment. In particular, the report contains information that needs to be approved and feedback provided.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

C2 Draft Budget FY23

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(f)(ii) - The withholding of the information is necessary to maintain the effective conduct of public affairs through the protection of such members, officers, employees and persons from improper pressure or harassment. In particular, the report contains financial information.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

C3 Board Evaluation Tool

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(f)(ii) - The withholding of the information is necessary to maintain the effective conduct of public affairs through the protection of such members, officers, employees and persons from improper pressure or harassment. In particular, the report contains confidential information.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.