

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

Date: Monday, 14 February 2022
Time: 11:00am
Meeting Room: 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

1 February 2022

Contact Telephone: 021 453 359
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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



ITEM	TABLE OF CONTENTS	PAGE
1	Apologies	5
2	Declaration of Interest	5
3	Confirmation of Minutes	5
4	Extraordinary Business	5
5	CEO Summary	7
6	Financial Report December 2021	15
7	Cultural Update	19
8	Social Update	25
9	Economic Update	31
10	Environment Update	35
11	Appointment of a Board member to approve Auckland Council's input into the Ministry for Environment's discussion materials on resource management reform	93



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, 6 December 2021, 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.: CP2022/00515

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. Kia rewa tonu ake ngā whakamoemiti ki te runga rawa, kia here nei te rangi me te whenua ki te taukaea o te manaakitanga, hei kaupare atu hoki i ngā kino, i ngā pēhitanga, i ngā mamaetanga e papaki nei ki ngā pari o te ora. Paimārire. Tēnā te kōtonga o mate e taiāwhio nei ki ngā tōpito o te motu, kei aku piki kōtuku, aku huia kaimanawa, haere, whakangaro atu rā. Tātou te hunga ora, e ihu oneone tonu nei ki te kaupapa kia kōkirihiā i ngā kaupapa hei painga mō te iwi Māori e noho ana ki Tāmaki Makaurau nei rā te mihi maioha ki a koutou te Poari mō tēnei wā o te tau hou.
3. The Secretariat acknowledge the passing of Board member, Liane Ngamane and her contribution to the kaupapa and mahi that the Board has undertaken over the years. Liane leaves behind a legacy that will be acknowledged formally through the Board's annual report.
4. The New Year's Honours list included Board member, Tony Kake, for services to Māori. Other areas of acknowledgement included in this honour are as a leader in the South Auckland community, a champion for Māori interests, with a background in Māori health, community housing, community and marae development.
5. Recruitment continues with external agent Jackson Stone. The current market is extremely competitive and may require a pivot in how the roles are structured. There are three vacancies which at present are being covered by either contractors or existing kaimahi.
6. As the Board will be aware, the kaupapa of Māori Wards was presented at the Joint Governing Body and Independent Māori Statutory Board hui held on 6 December 2021. The outcome of this hui was that the Governing Body would receive an update and recommendation to support the Royal Commission model. The Governing Body hui was held on 16 December 2021, unfortunately the recommendations were amended which changed the desire of the joint working group. A timeline for the consultation around Māori Wards will be presented to Governing Body in the first part of the new calendar year.
7. A letter of concern was sent to the Office of the Auditor General regarding the delays in the financial audit. A response was received, acknowledging the current climate and challenges that all auditors are experiencing, but there was no appetite to change auditors at this time. Both the Chair's letter and the response from the Auditor General are included as an attachment to this report.
8. The following outlines the communications update for the reporting period. The publication of the Impacts of Covid-19 report on Māori in Tāmaki Makaurau generated a lot of interest by the media with coverage by Māori Television, TVNZ, Radio New Zealand, Radio Waatea and Stuff. There were five stories published regarding the Covid-19 report and Board



member Tony Kake receiving a New Year's Honours Award. In November, there was also a report on Radio Waatea following the media release maintaining the Independent Māori Statutory Board's support for the Three Waters reform. Our social media platforms show a steady increase in followers with 1.6k on FaceBook and 395 on LinkedIn over the year. Website visitors were down over the Christmas period 38 per cent to 610 users who undertook 732 visits; however, the length of their sessions on the site was up by 6 per cent to 1m 23 secs.

9. The table below is the January 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
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/seniors	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 Injury Report	New Hazards	There is one staff member and a contractor with valid first aid certification. The General Manager will attend re-certification course in May of this year.			The Health and Safety e-module has been completed successfully by all staff.			
Nil	Nil							

Ngā koringa ā-muri Next steps

10. All previous actions were completed by the end December 2021, with the exception of one action that has been pushed out to the next financial year. The action table will be included next month.

Ngā tāpirihanga Attachments

No.	Title	Page
A	Letter to the Auditor General	11
B	Response from Auditor General	13



Ngā kaihaina Signatories

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



22 November 2021

John Ryan
Controller and Auditor General
100 Molesworth Street, Thorndon
PO Box 3928, Wellington 6140

Tēnā koe e John,

Tēnei au e mihi ana ki a koe, nāu e āwhina i ngā mahi o te kāwanatanga.

On behalf of the Independent Māori Statutory Board (the Board), I would like to provide feedback on the audit for financial year ending 30 June 2021 that has been rescheduled for 2022.

The Board's Chief Executive received email confirmation from AuditNZ's Director, Athol Graham on 14 October 2021, informing the Board that our audit will be rescheduled for 2022, when it was initially scheduled to commence 26 October 2021.

The Board would like to express its disappointment in this decision. From the information provided we understand that the audit is delayed due to internal AuditNZ resourcing and the Covid-19 pandemic impacts. Previously, audits have been delayed and are often completed several months after the financial year has been completed. This means when we publish our report, the information is already dated and does not provide current information to the 182,000 Māori based in Tāmaki Makaurau (Auckland).

Every year, the Board continues to accommodate the ongoing audit schedule changes and still meet deadlines that are set out. From a reciprocal lens, we would hope that the Auditor General would be prepared to meet the deadlines that you set out for the Board. The impacts of the pandemic are understandable however there should have been some consideration around this earlier to meet the proposed audit plan.

It is the view of the Independent Māori Statutory Board that we seek a change in auditor to an audit firm that is available to carry out the audit in a timely manner. This is not the first time we have had issues with our financial audit timeframe, but we are now of the view that this needs to be raised with you formally for your consideration.

The Board suggests that there be plans in place to avoid these delays in future, to ensure that we are all meeting our statutory obligations.

Nāku noa, nā

David Taipari
Chairman
Independent Māori Statutory Board

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3 December 2021

David Taipari
Chairman - Independent Māori Statutory Board
16 Viaduct Harbour Ave, Auckland City
Private Bag 92 311, Auckland 1142

Tēnā koe David

REQUEST FOR A CHANGE OF AUDITOR

Thank you for your letter sent on 22 November 2021 to the Controller and Auditor-General, John Ryan. He has asked that I respond to your email on his behalf. I have now had the chance to carefully consider your request.

You've raised concerns about the timely delivery of the audit and requested a change in audit service provider.

We considered your request for a change of auditor, however, given the current demand in the audit market we are not able to allocate your audit to another provider at this time.

As you noted in your letter, the delay is due to Audit New Zealand internal resourcing and Covid-19 impacts. The border restrictions have created a shortage of auditors across New Zealand. This shortage has been aggravated by a competitive labour market for qualified and experienced staff.

The intensifying shortage of auditors are not unique to Audit New Zealand. We engage several service providers to conduct audits on behalf of the Auditor-General. Our private audit service providers are experiencing similar challenges resulting in delayed audits. A recent Chartered Accountants Australia and New Zealand survey of New Zealand's 13 largest audit providers indicated that over 500 audits had been delayed. Approximately 100 of these relate to the public sector.

The Auditor-General also issued a website statement in [mid-October](#) acknowledging that some 30 June 2021 audits would now not be completed until the first few months of 2022. We have had to sequence the delivery of audits to support the wider public accountability system. Further detail on the sequencing approach can be found [here](#).

To manage the challenges posed by Covid-19, the Auditor-General is supporting auditors being added to Immigration New Zealand's list of priority workers. In addition to this, Audit NZ is working on longer term solutions to the shortage of qualified audit staff.

We appreciate this isn't a situation either of us wanted to be in and we want to assure you that we remain committed to providing you with a quality audit.

Thank you for taking the time to write to us.



Item 5

Nāku noa, nā

A handwritten signature in blue ink, appearing to be 'Jacques Coetzee'.

Director, Audit Operations

Mobile: +64 21 222 8316

E-mail: Jacques.Coetzee@oag.parliament.nz

Attachment B



Financial Report December 2021

File No.: CP2022/00566

Ngā tūtohunga Recommendation/s

That the Independent Māori Statutory Board:

- a) receive the Financial Report for December 2021.

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 position as at 31 December 2021.

Whakarāpopototanga matua Executive summary

Year-to-Date Commentary

2. Net operating expenditure is \$341K favourable to budget [Act \$1.15m vs Bud \$1.50m] 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 \$190K favourable to budget made up of:
 - Consultancy - \$137K favourable due to timing of incurring costs and budget phasing.
 - Engagement and reporting – \$23K due to communication services, reporting highlighting covid impact.
 - Legal and Planning - \$30K favourable for legal advice due to budget phasing.
 - Other expenditure on activities is \$1K favourable due to office costs, catering, telecommunication costs and marketing/advertising expense.
3. Board costs is \$24K favourable to budget made up of:
 - Board member remuneration and other costs is \$1K over.
 - Board member travel is \$23K favourable due to COVID19 travel restrictions.

Full Year Forecast:

4. The forecast net operating expenditure is \$0.28m favourable to budget [Forecast Act\$2.74m vs Bud \$3.03m] made up of:
 - Staff costs to be \$277K favourable to budget as a result of current vacancies and recruitment plan of 3 FTE still underway.
 - Non-staff costs including Professional Services, other expenditure and Board remuneration costs to be in line with budget at yearend.



Item 6

Ngā tāpirihanga Attachments

No.	Title	Page
A	Financial Report December 2021	17

Ngā kaihaina Signatories

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



Financial Performance Dashboard as at December 2021

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	
Staff	109	124	591	717	126	533	1,144	1,421	277	1,421	1,146	
Professional services	25	69	105	295	190	236	655	655	0	655	534	
40410 - Consultancy	12	34	66	203	137	138	405	405	0	405	418	
40451 - Engagement and Reporting	11	15	27	50	23	94	120	120	0	120	94	
40610 - Legal and Planning	2	15	7	37	30	5	110	110	0	110	6	
40710 - Audit	0	5	5	5	0	0	20	20	0	20	16	
Other expenditure on activities	4	10	53	54	1	60	98	99	1	99	157	
Board costs	67	74	406	429	24	387	850	850	0	850	771	
Net operating expenditure/(revenue)	205	277	1,155	1,496	341	1,216	2,747	3,026	278	3,026	2,607	



Cultural Update

File No.: CP2022/00526

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 Marae Infrastructure Programme continues to support marae development with physical works for five marae scheduled for completion in FY22. Four condition assessments were completed in FY21 to prepare marae for development in FY22.
6. Social procurement continues to be a core focus of the Marae Infrastructure Programme. In FY21 five Māori businesses were supported with procurement opportunities with a continued focus to increase this number throughout FY22. The current spend to date is at 39 percent supporting Māori businesses/contractors.
7. The second quarter results for the Marae Wellbeing survey (attached) have been received and analysed by Auckland Council staff. The analysis informs Council's engagement and interaction with marae of Tāmaki Makaurau. The results provide an insight into the wellbeing of marae and highlights the impact of the recent Covid-19 lockdown has had on marae. Council will continue to survey marae throughout 2022 with results being shared with the Board as they come to hand.



Te Reo Māori

8. Recruitment continues for the Council roles of Matanga Reo and Tikanga Māori. The Secretariat will proactively work with Ngā Mātārae to source progress information for this recruitment and provide this in the monthly Cultural Pou update. These roles provide the leadership in the implementation of Councils Te Reo Māori Action Plan.
9. Council continues to review its Te Reo Māori Action Plan. The Secretariat is providing support to the review by way of advice and guidance on alignment to the Boards instruments.
10. Bilingual signage continues to be developed and delivered across Council facilities. Completion of bilingual signage for the Bruce Mason Centre and translations for way-finding signage has also been completed for the waterfronts Cloud and Shed 10 buildings.
11. Auckland Transport has implemented the broadcasting of Te Reo Māori public transport and service announcements at all train stations throughout Tāmaki Makaurau.

Distinctive Identity

12. Te Maharatanga o Ngā Wai (remembering our waters) was unveiled in December 2021. Te Maharangatanga o Ngā Wai is a Māori design and placemaking project developed in partnership between Auckland Council and Ngāti Whātua Ōrakei.
13. The project presents historical information and narratives of the Sales Street and Wellesley Street precinct and highlights information on the water sources and stories of the location. The project highlights Ngāti Whātua Ōrakei cultural narratives and integrates indigenous flora to the Central Business District.
14. The Secretariat continues to provide advice to the Community and Social Policy team on the review of the Alcohol Minimisation Strategy. A report is to be provided to the Parks, Arts and Community Events Committee in early 2022.
15. Auckland Unlimited is leading the delivery of the 'Reactivating Tāmaki Makaurau Auckland Support Package' to help support economic, social, cultural activities throughout the 2022 summer period. The programme includes a \$12m voucher and discount programme 'Explore Tāmaki Makaurau' a \$10m 'Local Activation' programme to support new and existing activities through a contestable fund and a \$2.5m programme for a destination marketing campaign.
16. The Local Activation fund is contestable fund which aims to increase participation in arts and culture events for Tāmaki Makaurau whānau. The programme supports the development of new programming, enhance existing programming, support community activation and outreach and support free events to support Auckland's economic and social recovery. The fund closes in April and a summary of applications and projects will be provided to the Board in June 2022.

Ngā koringa ā-muri

Next steps

17. Results of the quarterly 'Marae Wellbeing' survey will continue to be made available to the Board throughout 2022.
18. The Secretariat will continue to provide advice on the review of Councils Te Reo Māori Action Plan.

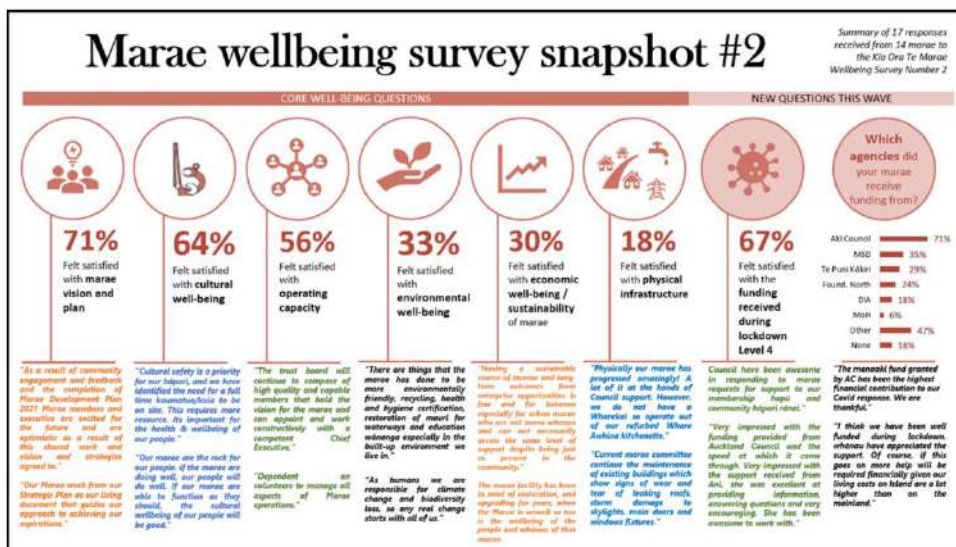


Ngā tāpirihanga Attachments

No.	Title	Page
A	Marae Wellbeing Snapshot	23

Ngā kaihaina Signatories

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





Social Update

File No.: CP2022/00518

Ngā tūtohunga Recommendation/s

That the Independent Māori Statutory Board:

- a) receive the Social update.

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 (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. Auckland Council's draft Annual Budget 2022-2023 consultation document and supporting information will go out for public consultation over 28 February – 28 March 2022. An iwi consultation event is scheduled with the Finance and Performance Committee on 15 March 2022.
6. As mentioned in the December 2021 Social Pou report, proposed changes to the Council's Māori land rates remissions policy will be consulted on alongside the Annual Budget. An update on the feedback received from Māori on the policy will be provided in future pou reports and incorporated in the Board's advocacy to the Finance and Performance Committee on the final rates remissions policy.
7. At the December 2021 meeting of the Finance and Performance Committee, the Board Chair successfully advocated that Council report back to Committee a review of the budget for the Cultural Initiatives Fund. This fund supports Māori development including



development contributions offsets and grants for other purposes. The intent of the review is to identify an appropriate size of budget for the fund and for this to be considered as part of the final decision-making on the Annual Budget 2022-2023.

8. At the Māori Outcomes Steering Group meeting in January 2022 the Council reported the Māori Outcomes Fund will likely be underspent by approximately \$3m - \$4m in FY22. Council will apply to have the underspend carried over to the FY23.

CCO Transport

9. Auckland Transport's Board accepted the resignation of their Chief Executive Shane Ellison in December 2021. Shane will step down on 24 June 2022.
10. Recruitment processes for a new Chief Executive are underway and the AT Board anticipates it will make an appointment ahead of Shane's departure in June 2022.
11. Auckland Transport and Auckland Council are jointly reviewing the 2015 Parking Strategy to ensure it is fit for a region that is growing at an incredible rate. In November 2021 a discussion document on how Auckland Transport manages its on-street parking and off-street parking sites and buildings was developed, approved and released for public feedback. The purpose of this discussion document was to start a conversation with Aucklanders around parking.
12. Auckland Transport will progress the development of its draft Parking Strategy in February - March. Once approved by the Planning Committee and the Board of Auckland Transport, the draft Parking Strategy will go out for full public consultation during March – April 2022. It is anticipated that the final Parking Strategy will be formally approved by mid-2022.

Māori Representation

13. An update on Māori representation was provided to the Governing Body at its meeting held on 16 December 2021. The Governing Body resolved to support engagement with Māori to receive their views on Māori representation models for Auckland Council.
14. The recommendations of the report differed from the recommendations of the joint Governing Body and Independent Māori Statutory Board meeting on 6 December 2021 which resolved (JOI/2021/15) for the Independent Māori Statutory Board and Governing Body to support the 'Royal Commission model' at their next meetings and to initiate engagement with Māori on the 'Royal Commission' model.
15. Auckland Council staff will provide a timeline to the Governing Body in early 2022 which confirms the engagement approach with Māori for Māori wards.
16. Auckland Council is preparing analysis and advice to support elected members engagement with the Future of Local Government review panel at a workshop scheduled for March 2022. A draft report on future of local government is set to be published in September 2022 for public consultation.
17. The Secretariat has provided preliminary advice to Auckland Council's analysis of the interim report of the review of the future of local government. The advice provided to Council by the Secretariat is attached to this pou report.

CCO Strategy/Review

18. No update to report this month.

Ngā koringa ā-muri Next steps

19. The Secretariat will continue to engage with Council staff to confirm the project plan and timeline for engagement on Māori representation and provide this information to the Board at its next meeting in March.



Ngā tāpirihanga Attachments

No.	Title	Page
A	Feedback to Auckland Council on the Future of Local Governance	29

Ngā kaihaina Signatories

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



Initial feedback on the interim report on the Review into the Future for Local Government: *Ārewa ake te Kaupapa Raising the platform*

In general, the Secretariat:

1. Support the intention of the review in considering how social, economic, environmental and cultural wellbeing can be ensured for through effective and participatory local governance.
2. Support the intention of the review in creating a local government system that is prepared for and responsive to the challenges of the future.
3. Strongly support the intention of the review to build a governance system that embodies partnership under Te Tiriti o Waitangi.
 - The review should clearly articulate what a fully functioning treaty partnership at both national and local levels of governance should look like, going beyond high-level aspirations and identifying practicable steps, including capacity and capability for both levels of government and for iwi.
 - For example, current reforms have highlighted the existing confusion around who (i.e., central government vs local government) should be leading and resourcing treaty relationships to deliver on statutory obligations.
4. Strongly support targeted and adequately resourced engagement with iwi and mātāwaka to inform the recommendations of the Review Panel.

In response to “*Question 3: How might a system of local governance embody authentic partnership under Te Tiriti o Waitangi, creating conditions for shared prosperity and wellbeing?*”, the Secretariat:

5. Support the considerations and focus areas outlined within the interim report which support the development of an authentic treaty relationship within local government.
6. Strongly support the intention of the review in supporting and developing Māori-led responses to local governance issues and responses.
 - The Independent Māori Statutory Board’s series of values reports provides examples of Māori-led responses against each of the four wellbeing domains as set within the Local Government Act. The Review Panel should consider the examples of Māori-led responses included with the values report in developing the future shape of local government in Aotearoa.
7. Strongly support the intention of the review in providing for local governance models that progress Māori aspirations for tino rangatiratanga and greater decision-making powers at the local authority level.
8. Recommends the Review Panel give strong consideration to the Māori-led models outlined in He Puapua as a way to protect Māori rights, interests and wellbeing.
 - He Puapua – The Report of the Working Group on a plan to realise the UN Declaration on the rights of Indigenous peoples in Aotearoa New Zealand provides important pathways for the panels consideration to ensure for Māori representation and participation within local government. He Puapua provides a vision of Te Tiriti o Waitangi partnership by 2040.
9. Strongly advocate that Māori representation at the local government level should be safeguarded so it is ensured for and supported in perpetuity.
10. Support the intention of the review to create systems of local governance that support Māori participation, and which lessen the significant requirements of iwi and mātāwaka to engage with local government.
11. Support the intention of the review in providing local governance models that provide for the appropriate resourcing of iwi and mātāwaka in their participation and provision of advice and engagement at all levels of government.



Economic Update

File No.: CP2022/00528

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. In December 2021 Auckland Unlimited, as the lead delivery agency provided an update on the two government-funded programmes they are delivering as a response to the Delta Covid-19 lockdown in Tāmaki Makaurau.
6. The two packages are:
 - Reactivating Tāmaki Makaurau Auckland with a total value of \$37.5m. The intent of this package is designed to encourage and provide opportunities for Auckland residents to re-engage with the region over the summer period. Of the total value \$25.5m has been allotted to stimulate economic, social and cultural activities and the remaining \$12m funding to support foodbanks and community food organisations that



will be managed by the Ministry of Social Development. A steering group has been established for this package and membership includes representation from Auckland Unlimited, Auckland Council, Ministry of Business Employment and Innovation and independents from Papakura Marae and Te Whānau o Waipareira.

- Activate Tāmaki Makaurau a \$60m business support package. The purpose of this package is to support Auckland businesses to access business advice to develop a business plan and grants for implementing that advice and a business plan. As of 10 December, Māori business registrations were at 328 which is 11 percent of Auckland businesses.

7. Auckland Unlimited have a focus on Māori outcomes in alignment with their Māori Outcomes Plan, Te Mahere Aronga 2021-2024. Actual measures accompanying the government's two Tāmaki Makaurau packages are still in development however Auckland Unlimited have some Māori outcomes indicators they intend to use.

Economic Development

8. Te Matatini 2023 has an allocated total budget of \$1.6m (rounded). This funding has been attributed from the Māori Outcomes portfolio funding and Auckland Unlimited. To date the funding for Te Matatini 2023 remains in place.

Emergency Housing

9. Applications for the Mayoral fund that supports homelessness to the value of \$500K is expected to be released mid-February and will be open for one month. This fund will be advertised through Auckland Council's external website. The Secretariat has connected the project team with the Māori Outcomes portfolio team to seek further support from the expected portfolio underspend as outlined in the Social Pou update.

10. At the Board meeting in November the Board approved a marae-led approach to advocate to Council that can support emergency housing. The Secretariat will commission a feasibility study that will be tabled at the Boards meeting in May 2022.

Affordable Housing

11. Te Matapihi and Council continue to support the progress of Māori housing providers through the community housing providers (CHP) registration process. As of December 2021, Te Matapihi had indicated three organisations had requested support to submit a CHP application.

Thriving Business Networks

12. Eke Panuku has adopted a range of sustainable procurement targets to increase supplier diversity and reduce waste in its work across Tāmaki Makaurau. Eke Panuku has set specific targets to actively promote opportunities across the city through its development work in priority locations for Māori (and Pasifika) business and social enterprises.

13. Targets include:

- 7.5 percent of direct spend and 15 percent indirect spend with Māori owned business, Pasifika and social enterprise
- 10 percent of direct spend and 25 percent of indirect spend with Māori owned business, Pasifika owned business and social enterprises in South and West Auckland.

14. Council's Community and Social Innovation (CSI) team commissioned Business and Economics Research Limited (BERL) to produce Te Ōhanga Māori i Tāmaki Makaurau – Auckland's Māori Economy report which was released in December 2021.

15. The report provides insights and highlights to inform the next steps of what the CSI team will resource and advocate for the south and west of Tāmaki Makaurau. Findings in the report include:



- The value of the Māori asset base is \$12.5b which is a 42 percent increase since 2013. 89 percent of this asset base is in privately-owned Māori businesses.
- Māori owning their own business and employing others is the fastest growing part of the labour market.

Ngā koringa ā-muri

Next steps

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

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.: CP2022/00520

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

5. Auckland Council's Māori Heritage Team are continuing to progress the second tranche of sites of significance. This work includes meeting with individual nominating iwi, preparing management statements for each nominated site of significance, populating the Māori heritage alert layer in Council's geospatial information system and improving online tools. The Council will re-open nominations of sites of significance to the Māori Culture Heritage Programme in February 2022.

Customary Rights

6. The government is continuing to progress comprehensive reform of the resource management system. This will entail the repeal of the Resource Management Act and enactment of three pieces of legislation: a Natural and Built Environments Act, a Spatial Planning Act and a Managed Retreat and Climate Change Adaptation Act. The scale of reform is likely to be substantial and will have significant impacts on Auckland Council and how it makes regional plans, spatial strategies and resource consenting decisions. For

example, one of the reform proposals is for joint committees (with representation from hapū/iwi/Māori, local and central government) to develop and make decisions on regional spatial strategies (which direct decisions on land use, urban development, infrastructure, environmental protection and climate change) and natural and built environment plans (which are land use and resource management plans similar to the Council's current Unitary Plan).

7. The Ministry for the Environment has released engagement materials - Transforming Aotearoa New Zealand's resource management system: Our future resource management system (appended as Attachment A to this pou report). At the Planning Committee meeting on 3 February 2022 a member of the Independent Māori Statutory Board was requested to join the Chair and Deputy Chair of the Planning Committee and the Chair and Deputy Chair of the Environment and Climate Change Committee with delegated authority to approve the Council's submission on the engagement materials before 28 February 2022.

CCO – Water (Watercare)

8. The Government is progressing comprehensive reform of New Zealand's three waters services and will legislate for four publicly owned water services entities from July 2024. This will be mandatory for all councils. An exposure draft of the Water Services Entities Bill was released in December 2021. It establishes the Northern Water Services Entity (also referred to as Entity A), which includes Auckland Council, Far North District Council, Kaipara District Council and Whangārei District Council. The exposure draft sets out provisions on the legal form and ownership of the new water services entities and their function, objectives and operating principles.
9. The Minister of Local Government established three independent working groups to refine elements of the three waters reform programme. A working group comprised of iwi and local government representatives, will consider how representation, governance and accountability arrangements for water services entities can be strengthened. The Entity A representatives on this working group are Ngarimu Blair, Huhana Lyndon, Mayor Phil Goff and Mayor Dr Jason Smith. The working group will report back to the Minister by 28 February 2022. The Minister will then consider recommendations arising from the working group process before the Bill is introduced.
10. Submissions have not been called for, but Auckland Council staff are undertaking a full analysis of the exposure draft to determine any further lines of inquiry and implications for Tāmaki Makaurau. This analysis will be workshopped with the Governing Body in March 2022. The Secretariat are participating in the development of this analysis.

Climate Change

11. An annual update on the delivery of Te Tāruke-ā-Tāwhiri was reported to the Environment and Climate Change Committee on 2 December 2021. Of the 58 action areas and 179 actions in Te Tāruke-ā-Tāwhiri, Auckland Council has direct control of 111 actions, partial control of 30 actions and has an influencing role (including advocacy) for 32 actions. Six actions are Māori-led. At a glance, 33 percent of climate actions are on track, 39 percent are underway and 28 percent are not in progress. Key initiatives planned for 2022 include the establishment of a Regional Leadership Group to accelerate climate action and further engagement with iwi to discuss the delivery of Te Tāruke a Tāwhiri.
12. The Council has successfully recruited for a Māori specialist role of Pou Taiao – Rangatahi Projects Advisor. The appointee commenced the role in January 2022 and is working across two Council directorates in both the Community Climate Action team and the Chief Sustainability Office. The Pou Taiao – Rangatahi Projects Advisor will focus on supporting the establishment of the rangatahi Māori-led climate action project and helping to progress the delivery of the Māori-focused climate work programmes.
13. A progress update on the development of Auckland's Transport Emissions Reduction Plan was provided to the Environment and Climate Change Committee on 2 December 2021. Early analysis and preliminary modelling indicates that the level of transformation required to achieve a 64 percent reduction in transport emissions in Auckland by 2030 is immense. The committee resolved that Auckland Transport and Auckland Council



accelerate the development of the Transport Emissions Reduction Plan and investigate options for urgent action.

14. On 8 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 process. The proposed package would fund further climate action measures to reduce emissions and support adaptation. 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. 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 will take place in February-March 2022.

Ngā koringa ā-muri

Next steps

15. 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 in March 2022.

Ngā tāpirihanga

Attachments

No.	Title	Page
A	Transforming Aotearoa New Zealand's resource management system: Our future resource management system	39

Ngā kaihaina

Signatories

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Authorisers	Theresa Roigard - General Manager Advisory & Performance



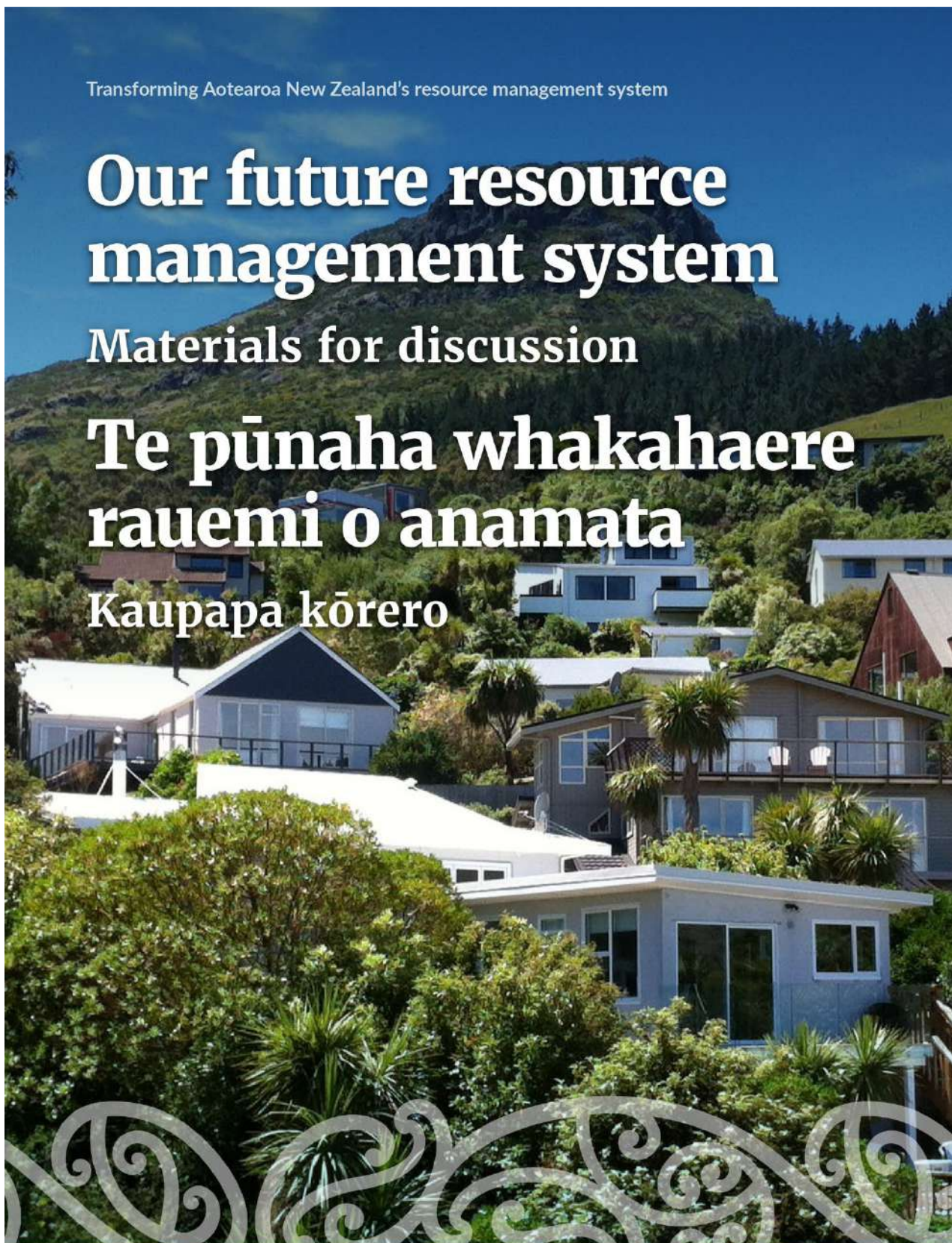
Transforming Aotearoa New Zealand's resource management system

Our future resource management system

Materials for discussion

Te pūnaha whakahaere rauemi o anamata

Kaupapa kōrero



Flourishing environment, thriving communities | Ka ora te Taiao, ka ora Tātou



Te Kāwanatanga o Aotearoa
New Zealand Government

Item 10

Attachment A

Disclaimer

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Contents

Message from the Minister	5
Purpose of this document	6
Part one: Resource management reform context	8
Resource management reform to date	9
Resource Management Review Panel	9
Three new Acts	10
Objectives for the reform	10
Select committee inquiry	11
Other engagement on the reform	11
How feedback will inform decision-making	12
Timelines for introduction	13
Upholding Te Tiriti partnerships	14
Working with local government	15
Implementing the NBA and SPA	15
How resource management reform relates to other Acts and government work	16
Freshwater Māori rights and interests	16
Three Waters reform	16
Review into the future for local government	17
Part two: Components of the future resource management system	18
How the future system will work	19
Strategic Planning Act	19
Natural and Built Environments Act	20

Transforming our resource management system

Main components of the future resource management system and how they fit together	22
National planning framework	23
Regional spatial strategies	24
NBA plans	26
How the NPF, RSS and NBA will work together	28
RSS and NBA joint committees	28
Consenting	30
Compliance, monitoring and enforcement	31
Monitoring and system oversight	32
Roles and responsibilities	34
Role of local government in the future system	34
Diagram of local government role in the future system	36
Role of hapū/iwi/Māori in the future system	37
Diagram of hapū/iwi/Māori role in the future system	41
Role of central government in the future system	42
Funding in the future system	42
Next steps	43
Appendix 1: List of resource management reform questions for discussion	44
Appendix 2: Summary of hapū/iwi/Māori feedback	46
Appendix 3: Summary of local government feedback	48
Appendix 4: Glossary of terms	50
Appendix 5: Resource management reform key documents	51



Message from the Minister He kōrero nā te Minita

Over the past year, the Government has been delivering on its promise to build a new resource management system for Aotearoa New Zealand: a system that provides better outcomes for our natural and built environments.

There is broad consensus that the Resource Management Act 1991 (RMA) is not working as was intended. It takes too long, and costs too much. It has not adequately protected the natural environment, nor enabled housing or infrastructure development where needed. There is an urgent need to address these issues and create a system that protects and provides for the wellbeing of current and future generations.

The Government is aiming to replace the RMA with a Natural and Built Environments Act (NBA) and a Strategic Planning Act (SPA) within this parliamentary term. A select committee inquiry recently reported its findings on an exposure draft of key parts of the Natural and Built Environments Bill. The Government is now considering the findings.

In the meantime, we would like to have a discussion with you about our thinking on parts of the system not included in the exposure draft. As our partners and stakeholders, we want to hear your views and ideas on how the reform is shaping up.

Building on the engagement that has already occurred, and recognising the constraints posed by the COVID-19 pandemic, we are holding a series of forums and hui where we will share with you work on the remaining policy details of the NBA and the SPA. This includes initial policy decisions that have been made around the key components of the system and the roles and responsibilities within it.

Your feedback on this document is welcome until 28 February 2022. It will help shape the NBA and SPA, for which Bills will be introduced into Parliament later in 2022.

Hon David Parker
Minister for the Environment
November 2021

Purpose of this document

Te kiko o tēnei tuhinga

In February 2021, the Government announced it would reform the resource management system by replacing the Resource Management Act 1991 (RMA) with three new Acts: the Natural and Built Environments Act (NBA), the Strategic Planning Act (SPA) and the Climate Adaptation Act (CAA). This process is referred to as the resource management system reform (RM reform) in this document.

In carrying out the RM reform objectives (see page 10), the Government aims to:

- move from an effects-based system to an outcomes-based one that avoids harmful cumulative effects
- simplify and standardise processes and make them less costly
- provide more effective and consistent national direction
- substantially reduce the number of local government resource management (RM) plans
- reduce the need for consenting while ensuring environmental safeguards are still in place.

The RM reform continues to progress, and the Government is providing another opportunity to engage on the current proposals for the NBA and SPA before they are developed into full Bills.

This document supports targeted engagement with hapū/iwi/Māori, local government and other stakeholders. It deals mainly with initial decisions made on reform detail since the exposure draft was prepared.

The objectives of the engagement are to:

- provide an update for Māori, local government and sector stakeholders on where the Government is up to in the reform of the resource management system and on next steps in the reform
- present a fuller view of the main components of the system designed to date, including the role of Māori and local government within the future resource management system, from the national to the local level
- respond to and build on feedback received to date
- provide a general overview of RM reform to audiences who have a limited understanding or limited engagement to date, and support preparation for submissions on the full Bill to a select committee in 2022.



Together with submissions provided to the Environment Committee's inquiry on an exposure draft of a Bill for the NBA, feedback received on proposals in this document will inform Ministerial decisions that shape the NBA and SPA legislation that will be introduced into Parliament in 2022.

This document does not cover the CAA. Public consultation on the CAA is expected to take place in early 2022 alongside consultation on the National Adaptation Plan under the Climate Change Response Act 2002.

Structure of this document

Part one of this document provides an overview of the reform process.

Part two sets out where the Government has got to so far in the design of the future system. We have developed a series of questions to seek your views on this proposed system.

Part one:

Resource management reform context

Wāhanga Tuatahi:
Te whakapapa kōrero o
te rauemi whakahaere





Resource management reform to date

There is broad consensus that the current resource management system introduced by the Resource Management Act 1991 (RMA) has not adequately protected the natural environment, nor enabled housing or infrastructure development where needed. It has also been unable to provide hapū/iwi/Māori with an effective enough role in the system.

Challenges in the current system include:

- cumulative environmental effects not being well managed
- local government resource management plans restricting housing and infrastructure growth needed in response to population growth
- hapū/iwi/Māori entities needing to have a more effective role in the system that recognises the relationships under Te Tiriti o Waitangi (the Treaty of Waitangi)
- needing to urgently reduce carbon emissions and adapt to climate change
- the lack of integration across the system, resulting in inefficiencies, delay and costs.

Resource Management Review Panel

In 2019, the Government set up the Resource Management Review Panel (Randerson Panel) to review Aotearoa New Zealand's resource management system. This was an expert panel led by retired Court of Appeal Judge Hon Tony Randerson QC.

The Randerson Panel's report, *New Directions for Resource Management in New Zealand*, identified similar issues to those found in previous reviews of the resource management system including by the Productivity Commission in 2017¹, the Environmental Defence Society in 2019² and the Waitangi Tribunal from 1993–2020³.

¹ Better urban planning: Final report.

² Reform of the Resource Management System, the next generation, the synthesis report.

³ Extracts from Waitangi Tribunal commentary, findings and recommendations on the Resource Management Act 1991. Ministry for the Environment.

Three new Acts

In February 2021, the Government announced it would repeal the RMA and – based on the recommendations of the Randerson Panel – replace it with three new Acts:

- Natural and Built Environments Act (NBA), to protect and restore the environment while better enabling development, as the primary replacement for the RMA
- Strategic Planning Act (SPA), to help coordinate and integrate decisions made under relevant legislation by requiring the development of long-term regional spatial strategies (RSSs)
- Climate Adaptation Act (CAA), to address complex issues associated with managed retreat and funding and financing adaptation.

Objectives for the reform

The Government set objectives for the future resource management system. These are to:

- protect and, where necessary, 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 a significant improvement in housing supply, affordability and choice, and timely provision of appropriate infrastructure, including social infrastructure
- give effect to the principles of Te Tiriti o Waitangi to provide greater recognition of te ao Māori, including mātauranga Māori
- 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 efficiency and effectiveness, and reduce complexity, while retaining appropriate local democratic input.



Select committee inquiry

In July 2021, the Government referred an exposure draft of a Bill for the NBA to Parliament's Environment Committee. The inquiry conducted by this select committee allowed the public to get an early look at the main aspects of the proposed legislation. The Environment Committee provided its report to Parliament on 1 November 2021, and the Government is now considering it.

Many written and oral submissions were made on the exposure draft, with responses coming from hapū/iwi/Māori, local government, key stakeholders and the public.

The exposure draft provided for a range of environmental outcomes. In its report, the Select Committee summarised these as relating to the natural environment, cultural values, climate change and natural hazards, and well-functioning urban and rural areas.

The report also provided a list of ideas for making the resource management system efficient, proportionate, affordable and less complex.

Other engagement on the reform

Engagement on the reform began with the Randerson Panel, which conducted public consultation on issues and options for reform in 2019 and 2020. In 2021, the select committee inquiry considered public submissions. Other engagement is outlined below.

Engagement with hapū/iwi/Māori

The Ministry for the Environment has undertaken ongoing regular engagement with two Māori collective leadership groups, and their technical experts over the past year.

These two groups are:

- Freshwater Iwi Leaders Group and Te Wai Māori Trust
- New Zealand Māori Council, Federation of Māori Authorities (FOMA), and Kāhui Wai Māori (KWM), known as Te Tai Kaha (TTK)

While past feedback has informed the policy proposals in this document, it should not be assumed that those engaged with necessarily agree with the proposals.

The Minister for the Environment, Hon David Parker, and Associate Minister for the Environment, Hon Kiritapu Allan, have met regularly with these two groups.

MfE has engaged with Post Settlement Governance Entities (PSGEs) since March 2021, 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, while past feedback has informed the policy proposals.

Two rounds of regional hui with hapū/iwi/Māori, led by Minister Allan, were held in March–April and July 2021.

Local government

MfE's engagement with local government has included:

- regular engagement through a local government chief executives forum
- engagement with selected council technical experts to test policy options
- engagement with specific councils, including Auckland Council for its experience in developing the Auckland Unitary Plan and Auckland 2050 spatial plan
- meetings with Local Government New Zealand (LGNZ) sector groups (metropolitan, regional and rural and provincial groups)
- engagement with the newly established Local Government Steering Group.

The Minister for the Environment has also met with LGNZ sector groups and the Local Government Steering Group to provide updates on the RM reform and respond to questions.

How feedback will inform decision-making

A Ministerial Oversight Group has been delegated decision-making authority by Cabinet to work through the policy details needed to progress the legislation required to reform the system.⁴ The reforms are based on the recommendations of the Randerson Panel.

This document includes policy proposals where Ministers have made initial decisions on matters beyond the scope of the NBA exposure draft. It also provides further policy proposals for testing before advice is finalised. Feedback received through this engagement process will inform Ministerial decisions that shape the NBA and SPA legislation, while past feedback has informed the policy proposals.

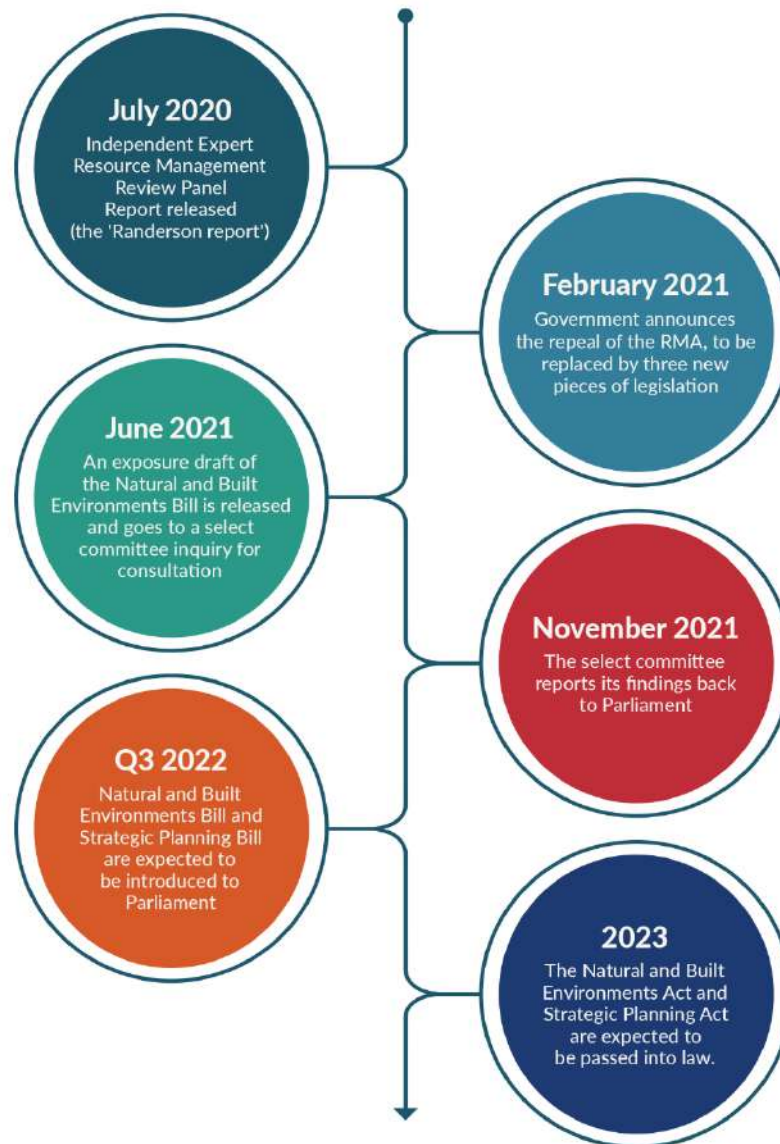
⁴ The Ministerial Oversight Group comprises the Ministers of and for Finance (Chair), Environment (Deputy Chair), Māori Crown Relations: Te Arawhiti, Housing, Local Government, Building and Construction, Agriculture, Māori Development, Transport, Conservation, Associate Environment and Associate Arts, Culture and Heritage Hon Kiritapu Allan, and Associate Environment Hon Phil Twyford, and Climate Change.



Timelines for introduction

Both the NBA and the SPA will be introduced to Parliament in 2022. A standard legislative and select committee process will follow, with the aim of the NBA and SPA being passed into law this parliamentary term. The CAA is expected to be introduced to Parliament in mid-2023.

More details on indicative timelines are provided below.



Upholding Te Tiriti settlements

Treaty settlements have led to many resource management arrangements that recognise the unique relationships between tangata whenua and te taiao (the environment).

The RMA interfaces with over 70 Treaty settlement arrangements. Engagement with settlement PSGEs will ensure that reform avoids unintended consequences for, and upholds the integrity of, Treaty settlements. As already noted, engagement with PSGEs on these matters has begun.

The Government is committed to carrying over existing Treaty settlement arrangements into the NBA and SPA. Doing this will protect the existing influence that PSGEs have on RM processes while ensuring the agreements providing for such influence are not themselves relitigated.

Engagement with relevant entities will also ensure the upholding of:

- natural resource arrangements agreed by hapū/iwi/Māori entities and local government under existing provisions of the RMA
- rights recognised under the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 (takutai moana legislation).

Takutai moana rights

Takutai moana groups who have, or are seeking, recognition of customary rights under the Marine and Coastal Area (Takutai Moana) Act 2011 will be invited to engage in regional hui and other processes. In recognition of customary interests in the common marine and coastal area, takutai moana legislation includes significant resource management rights for hapū/iwi/Māori.

The Crown is committed to upholding these rights in the reform. There are nearly 600 applications for recognition of customary interests, which collectively cover the entire coastline of Aotearoa from the wet part of the beach out to 12 nautical miles (the edge of the territorial sea). Some of the applications have already been determined, with customary marine title or protected customary rights recognised by the Government.

The resource management rights of takutai moana groups include:

- the right to give or decline permission for certain resource consents
- the ability to prepare a planning document that influences regional planning
- the right to carry out protected customary activities without a resource consent (eg, tauranga waka, using wai for rongoā)
- the right to be notified of certain resource consent applications.



Engagement through regional hui with takutai moana applicants and rights holders will inform upcoming decisions on how the rights will be effectively transitioned to the future system.

Working with local government

Engagement with local government was enhanced in September 2021 with the establishment of the Local Government Steering Group to advise the Government on the RM reforms.

The Group comprises local government elected members and senior council executives.

MfE worked with LGNZ and Taituarā – Local Government Professionals Aotearoa to ensure the Group's members are reflective of the range of New Zealand's councils, including territorial, regional and unitary councils from metropolitan, provincial and rural areas.

Implementing the NBA and SPA

Ensuring an effective implementation of the future system, and smooth transition to it, is critical to achieving the objectives of the reform.

Transition pathways are being developed to identify options for how best to transition key components of the RMA (eg, national direction, plans and consents) into the future system. The transition pathways will need to recognise the capability and capacity of people to participate effectively in the delivery of the future system and achieve the objectives of the reform.

A 'model project' will be developed to support, test and demonstrate the implementation of the future system. The first phase of this project will be the testing of the new system through the development of plan prototypes. Following this, the Government intends to work with a selected region to prepare a model RSS and an NBA plan to test the implementation of the system and provide learnings to other regions. Expressions of interest will be sought from regions to participate in the model project.

A culture, capacity and capability work programme will promote, support and respond to the needs of the future system, identifying new skills and capabilities and the nature of system culture change required.

A digital transformation work programme recognises that technology is integral to the future system to improve efficiency and to enable hapū/iwi/Māori and others to participate more fully in the system. This work will explore the role central government

and/or regions could have in the provision and support of digital technologies.

How resource management reform relates to other Acts and government work

The RMA interacts with a range of other legislation, including the Local Government Act 2002, Land Transport Management Act 2003, Conservation Act 1987 and Building Act 2004.

Substantive changes to these Acts are not proposed as part of this reform. However, minor changes may be made to ensure they work with the NBA and SPA.

Freshwater Māori rights and interests

An objective of the RM reforms is to give effect to the principles of Te Tiriti o Waitangi and provide greater recognition of te ao Māori, including mātauranga Māori.

The Government has committed to working to achieve efficient and fair allocation of freshwater resources, having regard to all interests, including Māori and existing and potential new users.

The Government provided an assurance that the exposure draft of the NBA would not preclude any potential options for addressing Māori freshwater rights and interests and their consideration as part of ongoing discussions with hapū/iwi/Māori. This will continue to be the case in the current engagement process.

Three Waters reform

The Three Waters reform is focused on improving the regulatory and service delivery arrangements for three waters infrastructure (drinking water, wastewater and stormwater). The new multiregional water service entities will need to operate within the resource management system.

Three Waters reform relates to the delivery of drinking water, wastewater and stormwater services. RM reform relates to protecting and restoring the environment while better enabling development.

Officials are working together to ensure the new water 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, with the expectation that the entities will provide technical support for the development of the new long-term RSSs, which are discussed from page 24.



Both reform programmes 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. Both recognise the intergenerational importance of health and wellbeing. The new water entities will be required to respond to Te Mana o Te Wai, as expressed in the National Policy Statement for Freshwater Management 2020, made under the RMA.

Review into the future for local government

Local government will play an important role in implementing the NBA and SPA. The role of local government in the future will therefore affect how the future resource management system will operate.

In April 2021, the Minister of Local Government established the Review into the Future for Local Government. The review provides local government with an opportunity to comment on how New Zealand's system of local democracy needs to evolve to improve the wellbeing of our communities and environment, actively embody Te Tiriti partnership, and be fit for the future.

The local government review will help to identify what local government does, how it does it, and how it pays for it. The review panel published its interim report in October 2021 (see appendix 5).

The prospective outcomes of RM reform are flexible enough to not limit the outcomes of the review.

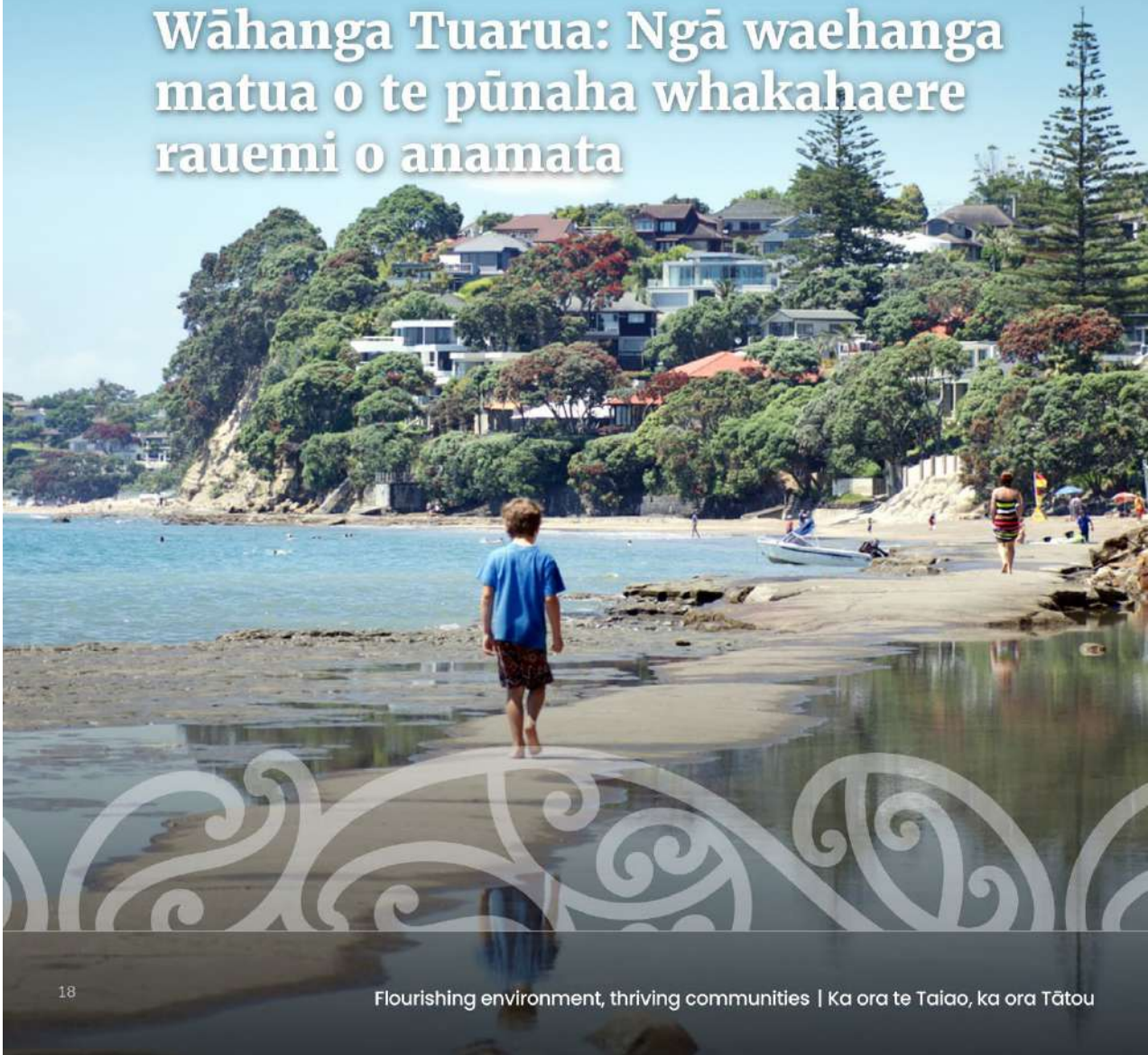


Transforming our resource management system

Part two:

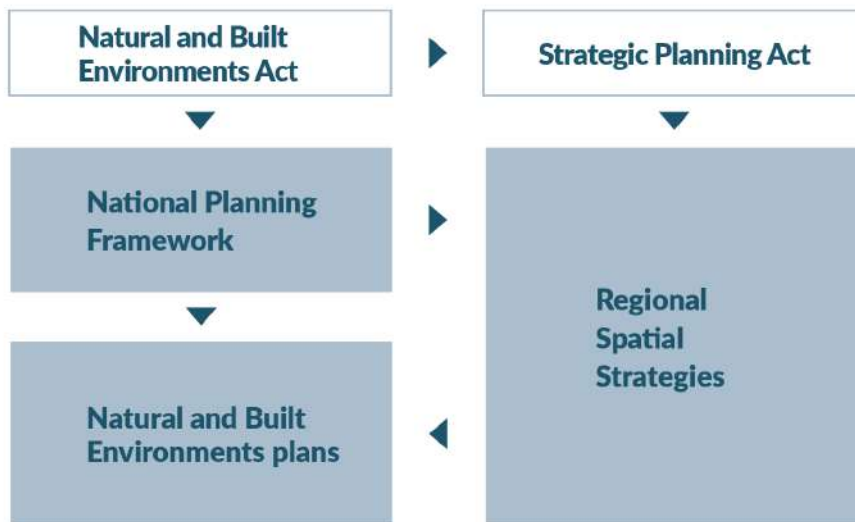
Components of the future resource management system

Wāhanga Tuarua: Ngā waehanga matua o te pūnaha whakahaere rauemi o anamata





How the future system will work



Strategic Planning Act

The SPA will integrate with the NBA and other legislation relevant to land, urban development, and the coastal marine area. The SPA will provide strategic direction by requiring the creation of long-term RSSs. These will identify areas that are:

- suitable for development
- need to be protected
- require infrastructure
- vulnerable to climate change effects and natural hazards.

RSSs will integrate with other relevant documents like NBA plans and the National Planning Framework (NPF).

One regional spatial strategy will be developed for each region, with flexibility to address issues within and across regions. The strategy will be prepared by a joint committee comprising representatives from hapū/iwi/Māori, local and central government. RSSs would integrate with other relevant documents like NBA plans and the NPF.

Other significant legislation that the SPA will integrate includes the Local Government Act 2002, Land Transport Management Act 2003 and Climate Change Response Act 2002. These other Acts are important parts of the resource management system, and substantive changes to them are not proposed as part of this reform.

Natural and Built Environments Act

The NBA will be an integrated statute for land use and environmental protection that works in tandem with the SPA. As the primary replacement for the RMA, it will set out how the environment is to be protected and enhanced and will promote positive outcomes for natural and built environments.

Achieving positive outcomes and strengthening limits

A criticism of the RMA is that it focuses too much on managing adverse effects on the environment and not enough on promoting more positive outcomes across all aspects of wellbeing. The NBA will specify outcomes that decision-makers will be required to promote for natural and built environments. Outcomes will also guide RSSs under the SPA.

The NBA will include a mandatory requirement for the Minister for the Environment to set environmental limits for aspects of the natural environment, to protect its ecological integrity and human health.

These limits will be framed as a minimum acceptable state of an aspect of the environment, or a maximum amount of harm that can be caused to that state. Timing and transitional arrangements will be taken into account in setting limits.

Managing environmental effects

The NBA will carry over the RMA's requirement to 'avoid, remedy or mitigate' adverse effects of activities on the environment. This will ensure a management framework exists for all adverse effects, including those not covered by limits or outcomes.

The NBA will also ensure that measures to avoid, remedy or mitigate effects do not place unreasonable costs on development and resource use. Although the NBA will intentionally curtail subjective amenity values, this will not be at the expense of quality urban design, including appropriate urban tree cover.

Te Tiriti o Waitangi and te ao Māori in the system

The NBA will also improve recognition of te ao Māori and Te Tiriti o Waitangi.

This includes reference in the Act's purpose to Te Oranga o te Taiao, a concept intended to encapsulate the intergenerational importance of the health and wellbeing of the natural environment.

As set out in the exposure draft for the NBA, decision-makers would be required 'to give effect to' the principles of Te Tiriti, replacing the current RMA requirement to 'take into account' those principles.



Providing clear national direction

The NPF will provide strategic and regulatory direction from central government. The NPF will play a critical strategic role, setting limits and outcomes for natural and built environments, as well as ways to enhance the wellbeing of present and future generations.

NBA plans

As recommended by the Randerson Panel, one NBA plan will be developed for each region. The plan will be prepared by a joint committee comprising representatives from hapū/iwi/Māori, local government, and potentially a representative appointed by the Minister of Conservation.

NBA plans are intended to bring efficiencies into the system by providing consistency across a region and more effectively implementing the NPF.

The process for developing NBA plans is largely informed by the model used to develop the Auckland Unitary Plan and aims to incentivise all participants to engage early with the best information available. An independent hearings panel would hear submissions and make recommendations to the decision-makers.

Consenting

Consent activity classes and notification rules will be standardised, with key requirements set out in NBA plans rather than assessed on a case-by-case basis. This will increase certainty and efficiency and drive a reduction in the volume of resource consents.

Compliance, monitoring and enforcement

A broader range of tools will be available to support effective compliance, monitoring and enforcement.

Main components of the future resource management system and how they fit together



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



National planning framework

Central government will issue an NPF under the NBA that provides a set of mandatory national policies and standards. These will include natural environmental outcomes, limits and targets.

The NPF will also provide direction on resource management matters that must be consistent throughout the system. This may include methods, standards and guidance to support regional spatial strategy development. The NPF will also consolidate existing national direction. It will play a role in resolving conflicts between outcomes in the system.

The NPF will provide strategic and regulatory direction from central government. The NPF is important for ensuring the future resource management system will be more efficient.

Detailed decisions on the process for developing the NPF are still to be made. The policy intent includes effective public consultation, a role for Māori that gives effect to the principles of Te Tiriti, and independent advice to inform decision-making.

Scope of the NPF

The exposure draft stated that the NPF must cover areas like air quality, freshwater, indigenous vegetation, greenhouse gasses, housing supply and infrastructure.

The NPF is expected to:

- contain environmental limits, targets and other provisions, such as methods and rules to direct and guide anyone exercising functions and powers under the Act.
- help in resolving conflicts that are the most appropriate to resolve at the national level
- provide direction on resource management matters that benefit from consistency throughout the system
- provide direction on plan-making
- include standards for common construction and development activities (eg, erosion and sediment control and noise and vibration).

Development of NPF

The Randerson Panel recommended a board of inquiry process for the preparation and review of national direction, with an alternative process for less substantive changes.

The process to develop the NPF must be transparent and allow for flexibility, to ensure its development is proportionate to the scope of the direction. The process must allow for expertise, including mātauranga Māori, to inform decision-making.

The Randerson Panel also recommended that national direction should only be prepared by the Minister for the Environment (with the Minister of Conservation where currently involved under the RMA), to ensure the integrity and cohesion of national direction and the outcomes they seek to achieve are not undermined. It is proposed that the Minister for the Environment would make final decisions (with the Minister for Conservation where appropriate).

Review of NPF

The Randerson Panel recommended that national direction should be reviewed at least every nine years. No decisions have yet been made on this matter.

WHAT DO YOU THINK?

What role does the national planning framework (NPF) need to play to resolve conflicts that currently play out through consenting?

How would we promote efficiency in the Board of Inquiry process while still ensuring its transparency and robustness?

How often should the NPF be reviewed, bearing in mind the relationships between the NPF, regional spatial strategies and Natural and Built Environments Act plans?

Regional spatial strategies

RSSs will require multiple groups to work together to identify how the region will grow over the next 30 years. The RSSs will provide firm direction on integrating decisions on land use, urban development, infrastructure, environmental protection and climate change.

The RSSs will not be operative; rather they will guide NBA plans and coordinate investment from the public and private sector.

Developing RSSs will ensure key decisions and trade-offs could be identified and resolved at the regional level, reducing the need for these issues to be relitigated in NBA plans and individual consents.

RSSs will also help groups to identify areas of mutual benefit and potential conflict earlier on. This will allow interactions between outcomes to be managed in a more strategic way, for example, by designating areas for development or for protection.



Scope of RSSs

RSSs will need to uphold relevant Te Tiriti settlements and customary rights, and will:

- set long-term objectives for urban growth and land-use change
- help ensure development and infrastructure is provided in the right places and in a coordinated way
- help identify areas to be protected from inappropriate development or change, such as areas with highly productive soils, or significant natural areas
- support development capacity and infrastructure provision, including by identifying indicative future infrastructure corridors, or areas to improve housing supply, affordability and choice
- support climate change mitigation and adaptation, and natural hazard risk reduction.

Boundaries for RSS will be based on regional and unitary council boundaries, with provision to address cross-boundary issues. The approach for Te Tau Ihu (top of the South Island) is still under consideration and subject to further advice.

Development of RSSs

One RSS will be developed for each region by RSS joint committees comprising representatives from hapū/iwi/Māori, local and central government.

The exact membership of these committees is still under consideration, as discussed below. Bodies represented on RSS committees will have statutory duties and obligations, with agencies and public and private infrastructure providers providing the committees with technical support.

It is currently proposed that RSSs will be reviewed every nine years with full public engagement.

Provision could also be made for full or partial reviews within cycles, if necessary. The SPA will not prescribe a single process for public engagement on RSS development, allowing each committee to devise a process that will work for their region. The SPA would, however, require certain engagement outcomes to be achieved through the processes devised by each committee.

Review of RSSs

It is currently proposed that RSSs will be reviewed every nine years with full public engagement.

Implementing RSSs

RSSs will identify where infrastructure investment is required. To coordinate investment, the Randerson Panel recommended that project and site-level detail should be provided through separate implementation agreements.

Implementation agreements would allow central and local government, hapū/iwi/Māori, infrastructure providers and stakeholders to agree to advance more detailed project planning for certain infrastructure or environmental remediation projects. It would also allow them to begin business case processes and apportion funding responsibility across central and local government.

The extent to which implementation agreements should bind the delivery partners is still under consideration. A spectrum of options is available, including:

- self-enforcing through mutual obligation, supported by incentives and good relationships
- contracts enforceable through the courts
- legally binding with sanctions for non-compliance in the SPA.

WHAT DO YOU THINK?

To what degree should regional spatial strategies (RSSs) and implementation agreements drive resource management change and commit partners to deliver investment?

How can appropriate local issues be included in RSSs?

With regional and unitary council boundaries proposed for RSSs, how should cross-boundary issues be addressed?

NBA plans

As recommended by the Randerson Panel, one NBA plan will be developed for each region. The plan will be prepared by a joint committee comprising representatives from hapū/iwi/Māori, local government, and potentially a representative appointed by the Minister of Conservation.

Initial consideration has been given to several sub-regional NBA plans being developed, then incorporated into a regional NBA plan. This could allow regions with different communities to take a more nuanced approach to regional planning.



This would consolidate over 100 existing policy statements and plans across the system into around 14 plans (subject to decisions for Nelson/Marlborough/Tasman – Te Tau Ihu), simplifying and improving integration of the system.

Having one plan per region that covers resource use, allocation and land-use management is expected to better bring efficiencies into the system by integrating plan provisions and implementing the NPF.

NBA plans are a significant change to the system. It is important to check in on how they will work in practice and examine the implications for those that will be responsible for preparing and implementing these plans.

Development of NBA plans

The process for developing NBA plans varies from the way existing regional and district plans are made. An NBA plan process may involve:

- facilitating early and better public participation during policy development, ensuring all types of feedback received have weight throughout the plan development process
- providing an early and sustained role for hapū/iwi/Māori entities in the plan development process
- drawing in diverse community feedback on plans, and requiring those preparing the plan to seek a wide range of views, including from communities that have traditionally been hard to connect with
- providing for local place-making in the plan-development process. This could be through local plans, such as those developed under the Local Government Act 2002 (eg, town centre plans, local community plans) and structure plans
- ensuring a robust plan through use of an independent hearings panel
- appeals based on the model used for the Auckland Unitary Plan process, that is, rehearing of any independent hearings panel recommendations not accepted by the joint committee
- allowing local government and hapū/iwi/Māori entities to participate in the submissions and hearings phases of plan development.

Review of NBA plans

Work is under way to consider how often NBA plans would be reviewed.

A range of plan change approaches would be available to enable the process to be proportionate to the plan change sought. Private plan changes would be possible but restricted in scope and as to when they may occur.

WHAT DO YOU THINK?

Do you agree with the Randerson Panel's recommendation to have one combined Natural and Built Environments Act (NBA) plan per region?

Would there be merit in enabling sub-regional NBA plans that would be incorporated into an NBA plan?

What should the role of local authorities and their communities be to support local place-making and understanding of local issues in NBA plans?

Will the proposed plan-making process be more efficient and effectively deliver planning outcomes?

How the NPF, RSS and NBA will work together

RSSs and NBA plans are designed to give effect to the provisions of the NPF.

If there are conflicts between different directions or outcomes shaping an RSS that cannot be resolved through the spatial strategy process, it is proposed that the NPF direction will take priority.

RSSs will have sufficient legal weight on NBA plans to ensure that any significant strategic decisions made through the strategy are not revisited or relitigated when preparing NBA plans.

Local authority long-term plans, annual plans, infrastructure strategies and land transport plans would be required to take active steps towards the RSS, while having flexibility to consider timing and sequencing, and matters outside the resource management system as required by their respective legislation.

RSS and NBA joint committees

The Randerson Panel recommended that joint committees be established to develop and make decisions on RSS and NBA plans.

Joint committee composition

There will be one joint committee for NBA plans and another for RSS.

RSS joint committees will have representation from local government, hapū/iwi/Māori and central government.

NBA joint committees will have representation from local government and hapū/iwi/Māori. Consideration is also being given to the Randerson Panel's proposal for a representative of the Minister of Conservation.



Proposals for joint committees

Proposals for RSS and NBA joint committees align with the objective to improve system efficiency and effectiveness and reduce complexity.

A challenge in working this through is how to retain local democratic input where final plan-making decisions are held by a joint committee.

Proposals being considered include:

- RSS and NBA joint committees not requiring common membership across both committees (but regions may wish to)
- structure and composition of committees being determined on a region-by-region basis
- a preference (not requirement) for representation of all local authorities in the region on the committees
- joint committees being provided with full autonomy on final decisions, supported by feedback from local authorities and hapū/iwi/Māori
- joint committees establishing sub-committees to give effect to local voice where it does not conflict with NPF, RSS or Treaty partnership obligations
- the establishment of a secretariat to support the committees (ie, to prepare the regional spatial strategy and NBA plan). This would include how committees could draw staff and resources from existing local authorities in the region, and how technical and mātauranga Māori expertise is provided for
- subject to agreement by PSGEs, existing governance arrangements to be provided for through Te Tiriti partnership entities to uphold Treaty settlements, takutai moana rights and existing voluntary arrangements in the future system.

WHAT DO YOU THINK?

How could a joint committee model balance effective representation with efficiency of processes and decision-making?

How could a joint committee provide for local democratic input?

How could a joint committee ensure adequate representation of all local authority views and interests if not all local authorities are directly represented?

Are sufficient accountabilities included in the proposed new integrated regional approach to ensure the strategies and plans can be owned and implemented by local authorities?

How should joint committees be established?

Consenting

Resource consents are still expected be part of the future resource management system. The NPF and NBA plans will play an important role in consenting by:

- providing direction on where consents are needed and what activity definition (eg, controlled or discretionary) they will be
- providing direction on what level of notification will be required. This may include precluding involvement for some activities that have already been litigated through NBA plans
- permitting activities subject to conditions, to ensure environmental protections remain. Conditions could include development standards (eg, erosion and sediment control) and require third party approvals or certifications
- providing clear processes for decision-making on consents.

This is expected to create a more efficient consenting system, improve certainty for decision-makers, and reduce the number of consents required.

New activity definitions

The Randerson Panel recommended that the existing RMA resource consent types remain in the future system, that is, land use consent, subdivision consent, coastal permit, water permit and discharge permit. The Government agrees.

The Panel also recommended that the current list of activities categories remain, except for the non-complying category.

The Government is proposing to reduce the number of activities categories from six (in the RMA) to four (in the NBA). Although the terminology would be similar to that in the RMA, changes are proposed to the definitions of the categories and in associated legal requirements. The four categories are:

- **permitted:** activities where positive and adverse effects (including cumulative and those relevant to outcomes) are known. There will be a slight expansion in the scope of permitted activities⁵
- **controlled:** activities where potential positive and adverse effects (including cumulative and those relevant to outcomes) are generally known, but where tailored management of effects is required. There will be limited discretion to decline

⁵ A consent is not required if identified parties gave their written approval (similar to section 87BA of the RMA), or a suitable management plan is prepared by a suitably qualified person.



- **discretionary:** activities that are less appropriate, have effects that are less known (or go beyond boundaries), and activities that were unanticipated at the time of plan development. Councils will have a broad discretion to seek information and the ability to decline
- **prohibited:** activities do not meet outcomes and/or breach limits; no applications will be allowed.

Put simply, in terms of allowing a particular activity, these are yes (permitted), probably (controlled), maybe (discretionary) and no (prohibited).

Changes to the system could clarify and explicitly enable permitted activities to require a third-party certification, thus allowing a more proportional and efficient approach.

Potential examples are farm plans prepared by a suitably qualified professional, and a cultural values assessment prepared by an iwi within an area identified as having significant value to Māori.

WHAT DO YOU THINK?

Will the proposed future system be more certain and efficient for plan users and those requiring consents?

Compliance, monitoring and enforcement

The future resource management system must be supported by a robust and effective compliance, monitoring and enforcement (CME) regime.

Proposed changes to CME include:

- broadening the cost recovery provisions for CME in the NBA, allowing for costs to be recovered for compliance monitoring of permitted activities and investigations of non-compliant activities
- ensuring compliance and enforcement decision-making is independent and not subject to inappropriate influence or bias
- a substantial increase in financial penalties, broadening the range of offences subject to fines for commercial gain, and increasing the statute of limitations to 24 months
- prohibiting the use of insurance for prosecution and infringement fines
- allowing consent authorities to consider an applicant's compliance history in the consent process
- providing for alternative sanctions to traditional enforcement action and providing for new intervention tools, including enforceable undertakings and consent revocation.

Carrying out compliance, monitoring and enforcement

It is expected councils will continue to be responsible for the delivery of CME services, including decision-making about when to take enforcement action and what type of action to take.

The Randerson Panel recommended the establishment of CME regional hubs, which would be structurally separate to councils. Decisions on hubs and CME institutional arrangements are to be deferred for the time being.

WHAT DO YOU THINK?

Do you agree with the proposed changes to compliance, monitoring and enforcement provisions and tools?

How practical will the proposals be to implement?

Monitoring and system oversight

Monitoring and oversight is fundamental to the operation of the resource management system.

Monitoring

Monitoring provides information to help set environmental limits, track progress towards desired targets and outcomes, and let decision-makers know about the consequences of their actions.

The proposed approach to monitoring will include:

- a suite of tools in the NBA to direct monitoring
- consistent and regular local-level environmental monitoring and reporting
- enabling Māori to be involved in developing and undertaking monitoring and reporting activities
- clear connections between the NBA and national environmental reporting under the Environmental Reporting Act 2015
- stronger requirements for responsible bodies to investigate, evaluate and respond when this monitoring identifies problems that need to be addressed.



System oversight

System oversight ensures there is transparency and accountability for the performance of the system and the delivery of its objectives.

The following functions of system oversight are proposed to be reflected in the future system:

- stronger regulatory stewardship and operational oversight of the system by central government and other independent oversight bodies
- regular reporting to Parliament on the performance of the system, in relation to environmental limits, targets and outcomes of the NBA
- legislated requirements for central government to respond to national level reports on the state of the environment and system performance
- independent oversight of system and agency performance, to provide accountability and impartial analysis and advice
- mechanisms to monitor how the system gives effect to the principles of Te Tiriti
- a range of powers for ministers to intervene and direct the system.

Carrying out monitoring and oversight

It is expected councils will continue to be responsible for undertaking monitoring, with greater opportunities for Māori to be involved in monitoring activities.

Central government is expected to play a stronger role in providing oversight of the system alongside independent bodies such as the Parliamentary Commissioner for the Environment and the proposed national entity for enabling Māori involvement at the national level.

WHAT DO YOU THINK?

Will these proposals lead to more effective monitoring and oversight of the system?

Will the system be able to adequately respond and adapt to changing circumstances?

Roles and responsibilities

This section sets out the roles and responsibilities for the main decision-makers in the system:

- local government
- hapū/iwi/Māori
- central government.

Role of local government in the future system

Local authorities will have important roles in the future resource management system. We are seeking input from local government on ways to ensure community input and local voices in the system are preserved or improved, and on the type of relationship and interactions local authorities need with the RSS and NBA plan joint committees.

The proposed role of local government in the future system is outlined below. Note that this is subject to further decisions.

RSS and NBA plan development

Local authorities will:

- play an essential connecting role between local communities and RSS and NBA plan development. Local authorities will support effective community engagement processes to ensure RSS and NBA plans enable local place-making and will give effect to significant views through governance and decision-making arrangements
- contribute to RSS and NBA plan development, including through provision of information, resource and expertise. Involvement of councils through the secretariat will provide an avenue for council input into drafting
- provide local plans to inform strategy and plan development. Specifically, it is intended the NBA will provide for place-shaping documents, such as local plans, under the Local Government Act 2002 (eg, town centre plans, community plans)
- support engagement with local communities on strategies and plans, and collaborating with hapū/iwi/Māori, building off existing trusted relationships
- review and provide feedback on draft strategies and plans, potentially through timebound review stages.

Joint committees

Local authority appointments to RSS and NBA joint committees would be responsible for giving effect to local voice. It is expected other governance roles would be provided for local government through potential cross-regional and sub-regional sub-committees.



RSS and NBA plan implementation

Regional councils will retain responsibility for natural resource functions, and territorial authorities will retain their core land use and subdivision responsibilities.

Local authorities will implement RSSs through local authority plans and functions under the Local Government Act 2002 and through implementation agreements.

Compliance, monitoring, enforcement and oversight

Local authorities will continue to be responsible for the delivery of CME services, including decision-making on when to take enforcement action and what type of action to take.

Local authorities may be required to provide consistent and regular local-level environmental reporting, and would likely have roles in monitoring the implementation of RSS and regulatory instruments under NBA plans.

WHAT DO YOU THINK?

What does an effective relationship between local authorities and joint committees look like?

What other roles might be required to make the future resource management system effective and efficient?

What might be required to ensure the roles and responsibilities of local authorities can be effectively and efficiently delivered?

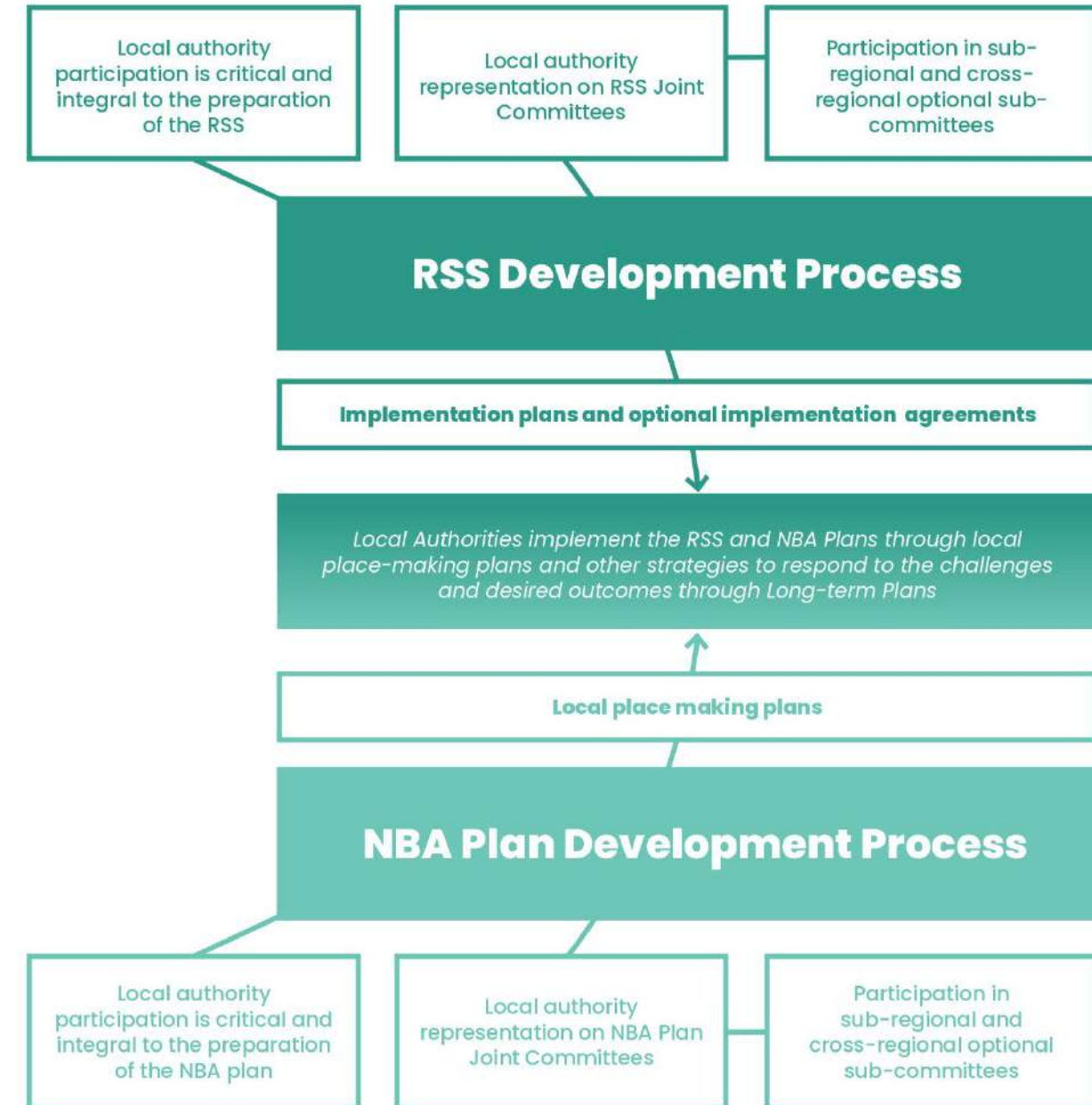
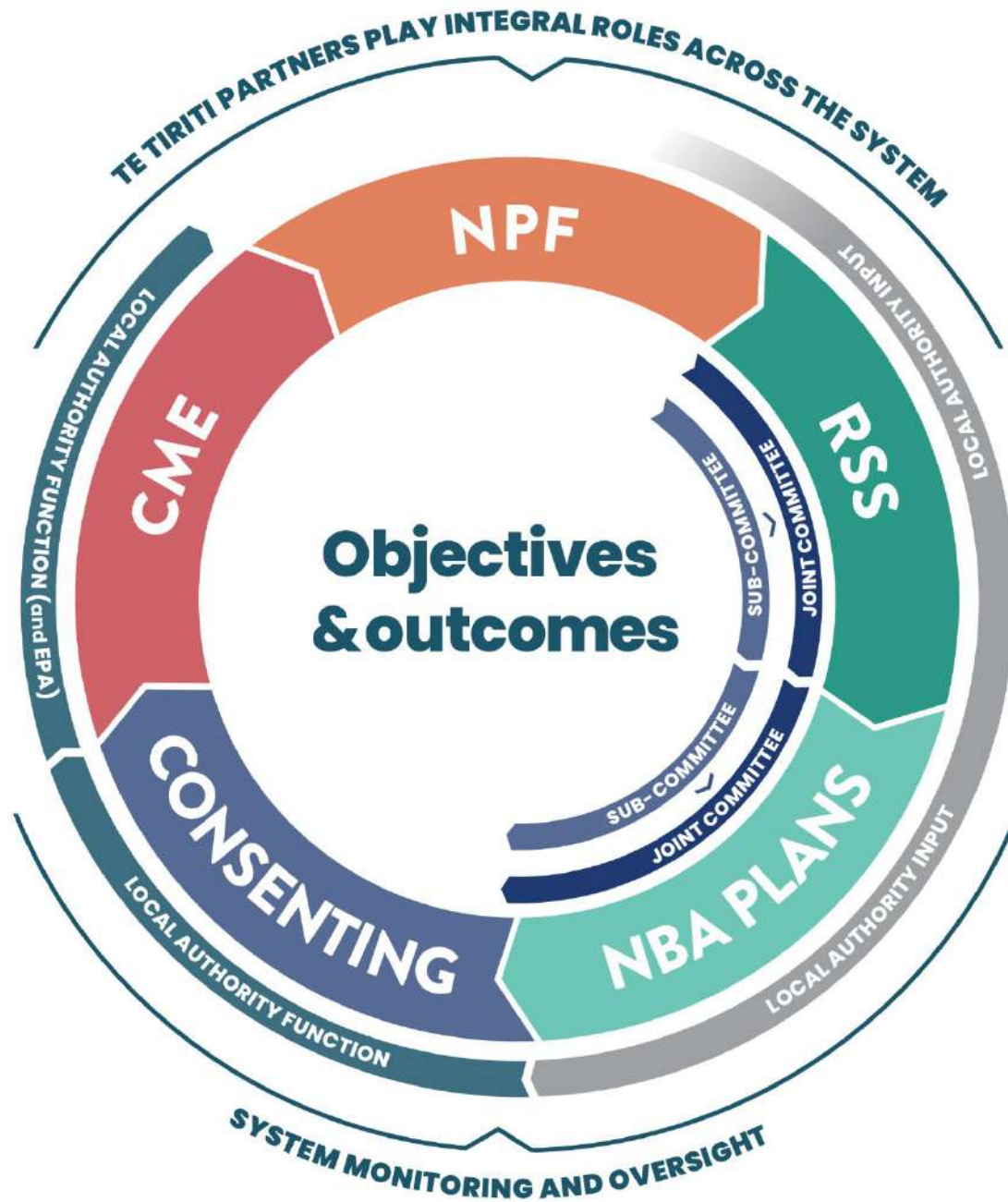




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Local government role in the future system



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



Role of hapū/iwi/Māori in the future system

The proposed system provides more effective roles for hapū/iwi/Māori entities across the future system. New roles will be established for them in governance and decision-making on plans and strategies, and in developing and undertaking monitoring and reporting activities, as outlined below.

Decisions are yet to be finalised on who or what groups participate in the new system. Varied feedback from Māori has been received. Feedback is sought on this and on appropriate terminology that is inclusive of hapū/iwi/Māori.

National entity

- A national entity would be established to enable Māori as Treaty partners to participate in decision-making at a national level.
- Possible roles for the entity could include input into the development of the NPF, appointing Māori members to any board of inquiry process, and in system oversight and monitoring (including monitoring of Te Tiriti performance).

RSS and NBA plans

- Hapū/iwi/Māori appointments to RSS and NBA joint committees (alongside local government appointments) would be worked through region by region, but 50/50 governance is not proposed.
- Hapū/iwi/Māori would be involved in RSS and NBA plan development processes.
- Treaty settlements that have governance arrangements through PSGE will be fully transitioned into the new system as will takutai moana rights.
- The Mana Whakahono ā Rohe process⁶ would be enhanced by better enabling Māori participation in the system through an integrated partnerships process that would integrate with the existing RMA tools for transfers of powers and joint management agreements.
- Clearer signalling will be ensured through NBA plans of who in the regions (hapū/iwi/Māori) must be consulted or notified for consents.

⁶ A way for tangata whenua and local authorities to work together on environmental issues under the Resource Management Act 1991 (RMA)



Transforming our resource management system

Joint committees

- Appropriate weighting would be given to Māori technical inputs (including roles in the secretariat and through iwi management plans).

Compliance, monitoring, enforcement and oversight

- Opportunities would be made available to provide a more strategic role for Māori in the system and to strengthen the role of Māori in consenting and CME services.

WHAT DO YOU THINK?

National entity

- What functions should a national Māori entity have?
- What should the membership and appointments process be for the entity?

Joint committee composition

- Should parties in a region be able to determine their committee composition?
- Are sub-committees needed to meet regional needs including Treaty settlements?
- What should be the selection and appointments processes for joint committee members?
- How do we best provide for existing arrangements (eg, Treaty settlement or other resource management arrangements)?

Enhanced Mana Whakahono ā Rohe arrangements, integrated with transfers of powers and joint management agreements

- How could an enhanced Mana Whakahono ā Rohe process be enabled that is integrated with transfers of powers and joint management agreements?
- What should be covered in the scope of an enhanced Mana Whakahono ā Rohe and what should be mandatory matters?
- What are the barriers that need to be removed, or incentives added, to better enable transfers of powers and joint management agreements?



Hapū/iwi/Māori role in the future system

Objectives and outcomes	
Te Oranga o te Taiao	Must uphold for the natural environment: its health, its intrinsic relationship with iwi and hapū, the interconnectedness of all its parts, and its capacity to sustain all life.
Intergenerational wellbeing	Use of the environment is enabled to support the wellbeing of current and future generations.
Principles of Te Tiriti	All people performing functions and duties under the Act must give effect to the principles of Te Tiriti.
Environmental limits	Minimal acceptable state of an aspect of the environment and maximum amount of harm to protect the ecological integrity of the natural environment and human health.
Environmental outcomes and targets	Outcomes for the benefit for the environment across: the natural and built environments (in both urban and rural areas); cultural values; and natural hazards climate change mitigation and adaptation. These can be achieved through setting targets.

Treaty partnership entities	Objectives and outcomes
An enabling mechanism to support committees established through Treaty settlements and through other means, and takutai moana rights, to be upheld. Could also enable new arrangements without having to rely on settlements.	<p>The Mana Whakahono ā Rohe process would be enhanced by better enabling Māori participation in the system through an integrated partnerships process that would integrate with the existing RMA tools for transfers of powers and joint management agreements.</p> <p>Enhanced Mana Whakahono ā Rohe arrangements can help to document how hapū/iwi/Māori participate in regional spatial strategy (RSS) and Natural and Built Environments Act (NBA) plan development, consenting and compliance, monitoring and enforcement (CME).</p> <p>Enhanced Mana Whakahono ā Rohe arrangements provide opportunities for a more strategic role for Māori in the system and to strengthen the role of Māori in consenting and CME services.</p>



Transforming our resource management system

Item 10

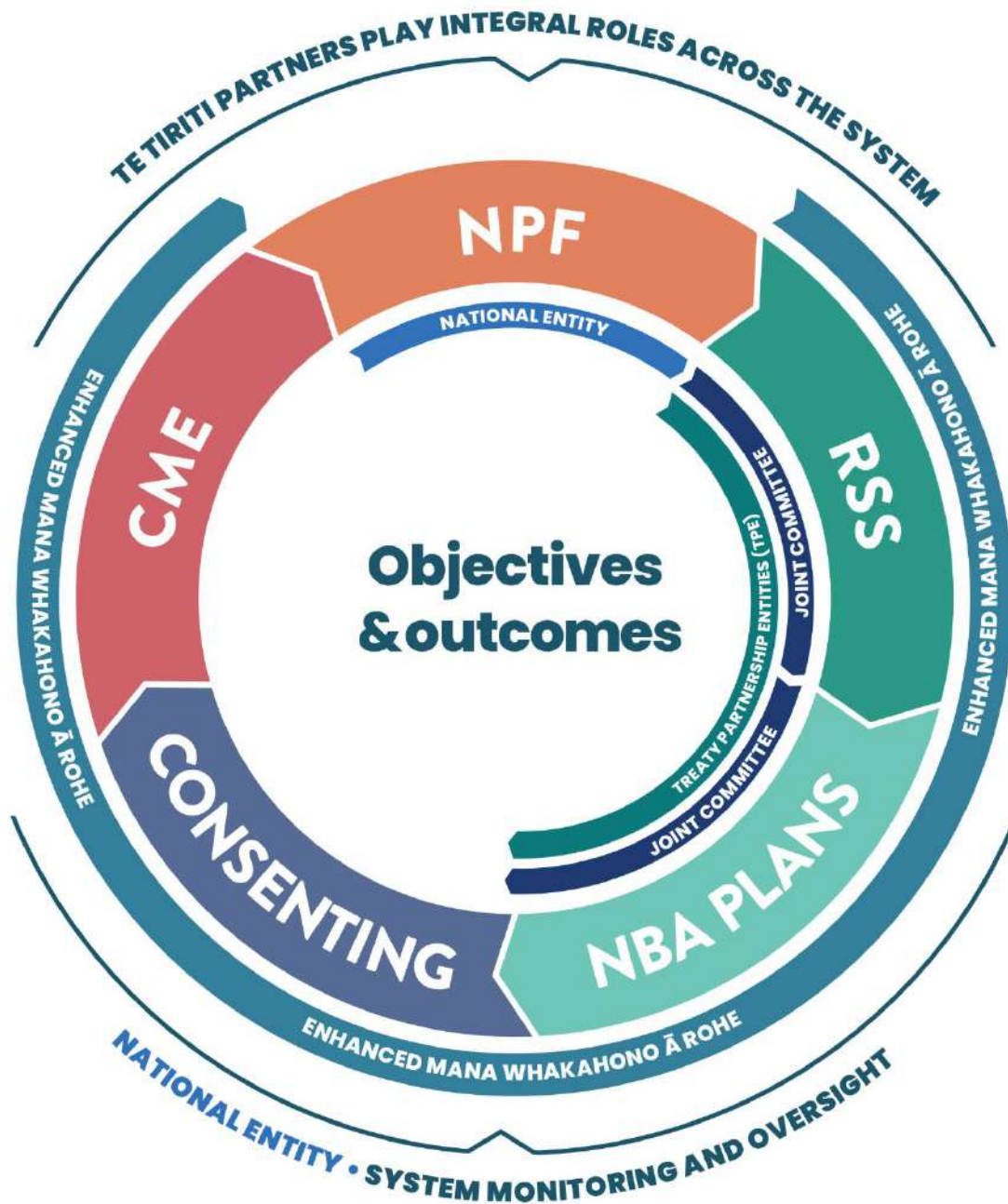
Attachment A

National entity	
Proposed roles for the national entity	Options for who participates
<ul style="list-style-type: none"> • System oversight and monitoring, including monitoring of Tiriti performance. • Input into National Planning Framework (NPF) development. • Appointments of any Māori members to the NPF Board of Inquiry. • Not to usurp the mana of hapū/iwi/Māori at place. 	<ol style="list-style-type: none"> 1. The entity has both Māori and crown appointees, or is solely a Māori entity. 2. For Māori appointments: from national Māori organisations, an electoral college-type model or through a self-identification process.

Joint committees	
Māori participation in RSS and NBA plans	Options for who participates
<ul style="list-style-type: none"> • Details of governance and plan development worked through region by region, including mātauranga Māori input. • Upholding the integrity of existing arrangements (including Treaty settlements, takutai moana and other resource management and non-statutory arrangements). • Engagement with hapū/iwi/Māori at various stages of the RSS and NBA plan development process. 	<ol style="list-style-type: none"> 1. The composition of joint committees in regional governance is worked through region by region. 2. Appointment processes are set in legislation or through a self-identification process.



Hapū/iwi/Māori role in the future system



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



Transforming our resource management system

Item 10

Role of central government in future system

Central government will have a strengthened role in the future system. This includes:

- the Minister for the Environment having responsibilities for the NPF, and central government having responsibilities to ensure the NPF is implemented through the RSSs and NBA plans
- central government making appointments to RSS committees and having responsibilities through RSS implementation agreements (if this tool is adopted)
- central government having key responsibilities in monitoring, reporting and responding to the performance of the system
- central government being expected to play a stronger role in providing oversight of the system alongside independent bodies such as the Parliamentary Commissioner for the Environment and the proposed national entity for enabling Māori involvement at the national level.

Funding in the future system

To work effectively, the future system requires appropriate funding mechanisms for its different roles and activities.

MfE is exploring what provisions and guidance can be provided in the future system, to set clear expectations regarding who should pay for what, and to support the availability and use of appropriate funding tools.

Proposals will use existing guidance on charging in the public sector and look at applying this to the context of the future resource management system.

WHAT DO YOU THINK?

How should funding be distributed across taxpayers, ratepayers and individuals?

How should Māori participation be supported at different levels of the system?

Attachment A



Next steps

MfE thanks you for engaging with this material which sets out the main components of the future resource management system and roles and responsibilities within it.

The feedback gathered will be collated by officials. It will then be analysed and used to inform the development of the legislation. We will provide participants with a report of their forum or hui with us.

Written feedback is also welcome until 28 February 2022. You can send this and any further questions you may have to MfE at RM.reform@mfe.govt.nz.





Transforming our resource management system

Appendix 1: List of resource management reform questions for discussion

National Planning Framework

What role does the National Planning Framework (NPF) need to play to resolve conflicts that currently play out through consenting?

How would we promote efficiency in the Board of Inquiry process while still ensuring its transparency and robustness?

How often should the NPF be reviewed, bearing in mind the relationships between the NPF, regional spatial strategies and Natural and Built Environments Act plans?

Regional spatial strategies

To what degree should regional spatial strategies (RSSs) and implementation agreements drive resource management change and commit partners to deliver investment?

How can appropriate local issues be included in RSSs?

With regional and unitary council boundaries proposed for RSSs, how should cross-boundary issues be addressed?

NBA plans

Do you agree with the Randerson Panel's recommendation to have one combined Natural and Built Environments Act (NBA) plan per region?

Would there be merit in enabling sub-regional NBA plans that would be incorporated into an NBA plan?

What should the role of local authorities and their communities be to support local place-making and understanding of local issues in NBA plans?

Will the proposed plan-making process be more efficient and effectively deliver planning outcomes?

RSS and NBA joint committees

How could a joint committee model balance effective representation with efficiency of processes and decision-making?

How could a joint committee provide for local democratic input?

How could a joint committee ensure adequate representation of all local authority views and interests if not all local authorities are directly represented?

Are sufficient accountabilities included in the proposed new integrated regional approach to ensure the strategies and plans can be owned and implemented by local authorities?

How should joint committees be established?



Consenting

Will the proposed future system be more certain and efficient for plan users and those requiring consents?

Compliance, monitoring and enforcement

Do you agree with the proposed changes to compliance, monitoring and enforcement provisions and tools?

How practical will the proposals be to implement?

Monitoring and system oversight

Will these proposals lead to more effective monitoring and oversight of the system?

Will the system be able to adequately respond and adapt to changing circumstances?

Role of local government in the future system

What does an effective relationship between local authorities and joint committees look like?

What other roles might be required to make the future resource management system effective and efficient?

What might be required to ensure the roles and responsibilities of local authorities can be effectively and efficiently delivered?

National Māori entity

What functions should a national Māori entity have?

What should the membership and appointments process be for the entity?

Joint committee composition

Should parties in a region be able to determine their committee composition?

What should be the selection and appointments processes for joint committee members?

How do we best provide for existing arrangements (eg, Treaty settlement or other resource management arrangements)?

Enhanced Mana Whakahono ā Rohe arrangements, integrated with transfers of powers and joint management agreements

How could an enhanced Mana Whakahono ā Rohe process be enabled that is integrated with transfers of powers and joint management agreements?

What should be covered in the scope of an enhanced Mana Whakahono ā Rohe and what should be mandatory matters?

What are the barriers that need to be removed, or incentives added, to better enable transfers of powers and joint management agreements?

Funding in the future system

How should funding be distributed across taxpayers, ratepayers and individuals?

How should Māori participation be supported at different levels of the system?



Transforming our resource management system

Appendix 2: Summary of hapū/iwi/Māori feedback

Feedback from regional engagement with Māori	Common themes	Feedback from hapū/iwi/Māori submissions on the Natural and Built Environments Bill exposure draft
<p>Te Oranga o te Taiao and Te Tiriti o Waitangi</p> <ul style="list-style-type: none"> • Support for Te Oranga o te Taiao but suggestions to include stronger wording to include intrinsic relationship with te taiao • Questions raised about how the Tiriti clause will be interpreted and monitoring of system performance in general • An interest in mana whenua and iwi involvement in the monitoring of Tiriti performance <p>Outcomes</p> <ul style="list-style-type: none"> • Interest in how the reform would practically deliver better outcomes for hapū and landowners • Concern that the future resource management system may not be strong enough to challenge council decisions • Some questions were raised about how iwi management plans will be included in Natural and Built Environments Act (NBA) plans <p>Governance and participation</p> <ul style="list-style-type: none"> • Mātāwaka and mana whenua roles should be defined but separate • Legislation may define functions and purpose for roles, but who fills those positions should be decided by iwi • Issues of conflict of interest for hapū with both election processes and kaitiaki performing multiple functions within the system • Support for elevating hapū/iwi environmental management plans but acknowledge that this will likely put pressure on capacity, capability and relationship with council 	<ul style="list-style-type: none"> • Strong interest in how the Tiriti clause will be interpreted and performance will be monitored • Suggestions offered to strengthen Tiriti clause, with some favouring giving effect to the articles of Te Tiriti rather than the principles • General support for inclusion of Te Oranga o te Taiao in the NBA Bill's purpose, but a desire for stronger language to require it to be upheld and reflect relationship between hapū/iwi/Māori and te taiao • Concerns about how tikanga Māori concepts and te reo Māori will be incorporated into legislation and how they may be interpreted, for example, Te Oranga o te Taiao, mana whenua, mātauranga • Support for incorporating existing hapū/iwi management plans in regional strategies but acknowledgement of potential issues, such as capacity, that may make this difficult • Due to multiple reforms occurring at the same time and capacity issues, an extended window to provide feedback would have been preferred • Allow for engagement and co-governance options with hapū as well as iwi 	<p>Te Oranga o te Taiao</p> <ul style="list-style-type: none"> • Support for Te Oranga o te Taiao; submitters stressed the importance of upholding it and using the term 'require' rather than 'enable' • Interpret all outcomes through the lens of Te Oranga o te Taiao; should act as korowai across system, including National Planning Framework (NPF) • Te Oranga o te Taiao should be reflected regionally, and integration throughout system will be important <p>Te Tiriti o Waitangi</p> <ul style="list-style-type: none"> • Widespread support for te Tiriti clause but noted further guidance and support needed to ensure Treaty obligations are clear, but consistency across Acts desired and concern about balance between principles and articles • Clarity of the role of local government in te Titiri partnerships desired and national guidance on how to give effect to the principles of te Tiriti <p>Outcomes and environmental limits</p> <ul style="list-style-type: none"> • Concern with lack of hierarchy of outcomes and potential for inappropriate trade-offs • Environmental limits must be set at regional level with iwi and hapū and using mātauranga Māori; national limits not flexible enough to deal with local application • A clear link is needed between limits and Te Oranga o te Taiao, in line with kaupapa Māori • Biophysical limits alone not consistent with tikanga Māori because they do not factor in holistic wellbeing of complex, interconnected systems



Feedback from regional engagement with Māori	Common themes	Feedback from hapū/iwi/Māori submissions on the Natural and Built Environments Bill exposure draft
<p>Use of te reo Māori</p> <ul style="list-style-type: none"> Concern raised about the appropriateness and interpretation of incorporating te reo and mātauranga into the legislation, including mauri and mana whenua Council's capability will be crucial in the success of the new system, especially the implementation of te ao Māori concepts <p>Capacity and engagement</p> <ul style="list-style-type: none"> Concerns about ability to engage with multiple government reforms within short timeframes Hapū, iwi and Post Settlement Governance Entities require stronger support, including funding, to engage so that they can adequately understand and respond to resource management reform Requests to continue to engage at regional level, including directly with hapū 		<p>Governance and participation</p> <ul style="list-style-type: none"> Support for single NBA plan per region, giving effect to hapū/iwi/Māori management plans, integrated management framework with provisions to resolve outcomes Support for 50/50 partnership at national and regional levels, co-governance with iwi and hapū and support for mana whakahaere councils; includes reference to hapā mana motuhake Support for national Māori entity for monitoring Tiriti performance, NPF and Tiriti policies Co-development of NPF with hapū/iwi is critical Expectation that bespoke arrangements will account for Treaty settlements <p>Use of te reo Māori</p> <ul style="list-style-type: none"> Many submitters implored the Crown to take caution in implementing tikanga-based concepts and terms, to avoid diluting their meaning and/or status in tikanga Māori terms <p>Capacity and engagement</p> <ul style="list-style-type: none"> A longer window for feedback would have been better because some submitters were not able to fully canvass the view of their own constituents Funding in the current system for hapū/iwi/Māori participation has been inadequate, and areas that will need greater funding in the future include implementation, monitoring and enforcement Increased funding needed for the development of hapū and iwi management plans, and funding to implement them in partnership with planning committees and councils



Transforming our resource management system

Item 10

Attachment A

Appendix 3: Summary of local government feedback

This table is collated feedback from local government chief executive forum and steering group meetings in 2021. A prominent theme throughout this feedback is the lack of local government capacity to engage due to significant reforms: resource management and three waters, and the overarching review of local government.

Common themes	Feedback
Te Tiriti and strategic role for Māori	While supportive of a greater role for Māori in the RM system, more clarity is required about how this is to be achieved and supported (ie, resourcing, iwi capacity for engagement, increasing central and local government te ao Māori capability)
Relationship between central and local government	Need for a collaborative, long-term approach, especially in the transition phase. Local government will need to be well connected and well informed; an advisory group could be useful
Local views and placemaking	Concern that local views are not going to be reflected in plans and strategies. The effects on local communities (ie, reducing to 14 plans) also need to be understood
Governance and decision-making Joint committees	Uncertainty of future form and function of local government and concerns around stronger regional council role Community and iwi representation is crucial in governance and decision-making Unsure how joint committees will be established Local representation is required, balancing technical expertise with elected members (who have democratic accountability)
National direction	There is a need for a joined-up policy approach at the national level, with existing conflicts between pieces of national direction resolved
Transition to new system and implementation	There needs to be a clearer path and timeframes for transition, and it should be sequenced correctly with implementation. A transitional body could be useful for guidance through the transition to the new system, as well as a regional transitional manager for each region
The model project	Clarity is needed on the model project. The timeframes are unrealistic and the model project may drag out the process



Common themes	Feedback
Regional spatial strategies	<p>The Strategic Planning Act needs to be developed in an integrated way, with a clear vision.</p> <p>Clear direction is required on what the regional spatial strategies (RSSs) are trying to achieve. There is concern existing regional structures are not well suited to creating and implementing RSSs; there is support for retaining existing regional boundaries. RSSs should also have more weight in decision-making processes</p> <p>Joint committees will need an enduring presence</p>
Sub-regional plans	<p>Sub-regional plans and growth strategies are needed in the resource management system</p>
Implementation agreements	<p>Implementation agreements are essential but there is uncertainty on how to bind all parties, also creates additional complexity</p>
National Planning Framework (NPF)	<p>Significant work is needed to deliver the NPF for providing sufficient guidance for Natural and Built Environments Act (NBA) plan process. Meaningful engagement with public and hapū/iwi/Māori is required</p>
NBA plans	<p>Uncertainty about how NBA plans differ from current plans. Need sub-regional plans and separate resource allocation plans for combined plans</p>
NBA plan-making process	<p>Develop RSS first to guide NBA plans and support engagement at beginning of process. There is uncertainty on how the new process will differ from existing process</p>
Appeals	<p>Need to restrict appeals to questions of law only. Resourcing for final decision-making bodies is needed so appeals are heard faster and to enable higher quality decision-making</p>
Consenting	<p>Activity categories need a clear intent and notification needs to be reviewed. Environment Court direct referral should be retained</p>
Compliance, monitoring and enforcement (CME)	<p>National oversight is needed to support local government in the CME space. There is concern regional CME hubs may take functions away from the local community. Councils also have a lack of capacity to provide CME services, and there is a general lack of detail of how CME will work in practice.</p>
Monitoring and oversight	<p>Suggested co-designed monitoring frameworks. There is uncertainty on whether monitoring will be a local or regional role, and how outcomes are monitored. Need to integrate existing and new data collection platforms</p>
Funding	<p>New funding tools are needed for effective delivery of plans</p>
Infrastructure pathways	<p>Infrastructure needs a strategic, long-term approach. Need to determine how infrastructure is defined and the relevant pathways for different infrastructure types</p>



Transforming our resource management system

Appendix 4: Glossary of terms

Term	Definition
CAA	Climate Adaptation Act
CME	Compliance, monitoring and enforcement
FILG/TWMT	Freshwater Iwi Leaders Group/Te Wai Māori Trust
KWM	Kāhui Wai Māori
LGA	Local Government Act 2002
LGNZ	Local Government New Zealand
LTMA	Land Transport Management Act 2003
MACA	Marine and Coastal Area (Takutai Moana) Act 2011
MOG	Ministerial Oversight Group
exposure draft	Exposure draft of the Natural and Built Environments Bill
MfE	Ministry for the Environment
NBA	Natural and Built Environments Act
NES	National Environmental Standard
NPF	National Planning Framework
RMA	Resource Management Act 1991
RM reform	Resource management system reform
RSS	Regional spatial strategy
SPA	Strategic Planning Act
Te Tau Ihu	top of the South Island
Te Tiriti o Waitangi	the Treaty of Waitangi
TTK or FOMA/KWM/NZMC	Te Tai Kaha, which consists of the Federation of Māori



Appendix 5: Resource management reform key documents

[New Zealand Productivity Commission. 2017. Better urban planning: Final report](#)

[Resource Management Review Panel. 2020. New Directions for Resource Management in New Zealand – Report of the Resource Management Panel Review](#)

[Environmental Defence Society. 2019. Reform of the Resource Management System: A model for the future. Synthesis report](#)

[Ministry for the Environment. 2021. Extracts from Waitangi Tribunal commentary, findings and recommendations on the Resource Management Act 1991](#)

[Cabinet paper: Reforming the resource management system 2020](#)

[Ministry for the Environment. 2021. Interim regulatory impact statement: Reforming the resource management system](#)

[Natural and Built Environments Bill – Parliamentary paper on the exposure draft](#)

[Ministry for the Environment. 2021. Departmental Report on the Natural and Built Environments Bill exposure draft 2021](#)

[Report of the Environment Committee. 2021. Inquiry on the Natural and Built Environments Bill: Parliamentary Paper](#)



Item 10

Attachment A



Flourishing environment, thriving communities | Ka ora te Taiao, ka ora Tātou



Te Kāwanatanga o Aotearoa
New Zealand Government



Appointment of a Board member to approve Auckland Council's input into the Ministry for Environment's discussion materials on resource management reform

File No.: CP2022/00552

Ngā tūtohunga Recommendation/s

That the Independent Māori Statutory Board:

- a) consider appointing a Board member to join the Chair and Deputy Chair of the Planning Committee and the Chair and Deputy Chair of the Environment and Climate Change Committee to approve Council's input into the Ministry for the Environment's *Transforming Aotearoa New Zealand's resource management system: Our future resource management system - Materials for Discussion*.

Te take mō te pūrongo Purpose of the report

1. Appoint a Board member to join the Chair and Deputy Chair of the Planning Committee and the Chair and Deputy Chair of the Environment and Climate Change Committee to approve Council's input into the Ministry for the Environment's *Transforming Aotearoa New Zealand's resource management system: Our future resource management system - Materials for Discussion*.

Whakarāpopototanga matua Executive summary

2. The government is continuing to progress comprehensive reform of the resource management system. This will entail the repeal of the Resource Management Act and enactment of three pieces of legislation: a Natural and Built Environments Act (NBA), a Spatial Planning Act (SPA) and a Managed Retreat and Climate Change Adaptation Act.
3. The first stage of this reform commenced in 2019 with the Resource Management Review Panel who reported back to the Minister for the Environment in June 2020. The second stage was formal consultation on the NBA exposure draft and subsequent select committee inquiry.
4. In December 2021 the Ministry for the Environment released engagement materials - *Transforming Aotearoa New Zealand's resource management system: Our future resource management system*. The key purpose of this engagement is to update Māori, local government and sector stakeholders on where the government is up to in the reform of the resource management system and on next steps in the reform.
5. This is not a formal submission process, but any feedback received on proposals in the discussion materials will inform Ministerial decisions that shape the NBA and SPA legislation that will be introduced into Parliament in 2022.
6. At the Planning Committee meeting on 3 February 2022 a member of the Independent Māori Statutory Board was requested to join the Chair and Deputy Chair of the Planning Committee and the Chair and Deputy Chair of the Environment and Climate Change Committee with delegated authority to approve the Council's input into the engagement materials before 28 February 2022.
7. The Secretariat is participating in the development of the draft feedback. The finalised feedback will be provided to the Planning Committee for information.



Ngā tāpirihanga Attachments

There are no attachments for this report.

Ngā kaihaina Signatories

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Item 11