

# Local Government RM Reform Steering Group Terms of Reference

29 September 2021 (Adopted)

## Purpose of the document

This document defines the Terms of Reference (TOR) for a local government steering group (the Steering Group), convened and serviced by the Ministry for the Environment. The document sets out the purpose and membership of the Steering Group, the scope of the Steering Group's role, the approach to its work, and support arrangements.

## Background to establishing the Steering Group

The Government has commenced a programme of work to repeal the Resource Management Act 1991 (RMA) and enact three new Acts to create a resource management (RM) system.

The Minister for the Environment has written to Mayors, Chairs and Chief Executives noting these reforms will impact on the roles and responsibilities of local government, the role of local government is critical to the delivery of both the current and future resource management system, and that a partnership-based approach to RM system reform is anticipated.

Other significant reforms that have implications for local government and for the wider system are also underway: the Three Waters Reforms and the Future for Local Government review. Due to the nature and size of these reforms, it will be important that constructive relationships are developed between central and local government to ensure that these reform programmes achieve the outcomes that Government has set for them (CAB Ref objectives for the reform).

As part of the Three Waters Reforms, the Crown and LGNZ recently signed a [Heads of Agreement](#) which commits the Crown (through DIA) "to working with other government agencies, and Ministers as appropriate, to seek to extend the partnership-based approach contemplated in this Heads of Agreement (including the partnering principles in clause 2.8) to other policy reforms that have the potential to significantly impact local government."

There is an opportunity through RM reform to provide for more effective Māori participation in the system. Through local government mechanisms, iwi/Māori will also have a seat on the Steering Group.

Establishing this Steering Group recognises the role of local government and iwi/Māori in the resource management system and reflects the need to build a lasting relationship between central and local government and iwi/Māori that can focus initially on the establishment of and transition to the new system, then can form the basis for a constructive relationship through system implementation.

The principles in the Heads of Agreement have been brought into this ToR.

Establishing this Steering Group is one of the things that the RM Reform programme is doing to recognise local government's key role in the resource management system and to reflect the Government's and the Ministry's desire to form a constructive, enduring and trusted relationship with key leaders of local government organisations.

## Purpose of the Steering Group

The Steering Group will be a key point of contact between the Reform Programme and local government, to provide a forum to ensure timely and influential input and feedback, and to contribute local government expertise and perspectives to the development and implementation of RM Reform policy advice to the SPA Board and ministers. Apart from direct involvement through Steering Group meetings and feedback loops, the role of the Steering Group will be to advise the Ministry on its wider programme of local government engagement. The scope of the Steering Group will encompass the whole resource management system, however initially it will focus on the policy to develop the three resource management bills currently under development:

1. Natural and Built Environments Bill
2. Strategic Planning Bill
3. Climate Adaptation Bill

There are topics on which the Steering Group will have an initial focus, however the group will not be confined to these where relevant, and a first step will be to agree priority areas of focus. Initial topics include:

- interaction between the Reform Programme and other Government reforms such as the Three Waters reforms and the Future for Local Government work, and other policy areas such as climate change
- primary legislation, National Planning Framework and other regulations
- transitional arrangements and implementation sequencing, testing, support and rollout, including with iwi/Māori where appropriate.

## Approach to work

The Steering Group will support the legislative/policy process and effective implementation. This will involve working together openly and constructively to achieve consensus where possible, and to outline and explain differences where not. This includes where central government officials' advice to the SPA Board and Ministers differs from the views of the Steering Group. Decisions impacting on MfE budgets will be the responsibility of the Ministry.

### Principles for working together

We wish to conduct a working relationship between us throughout the period of the RM Reform programme in good faith and in accordance with the following principles:

- a) shared intention: the shared intention of supporting the RM Reform programme, including ensuring a smooth transition and successful implementation of the RM Reform programme
- b) mutual trust and respect: build and foster working relationships and communication practices that are based on, and value, mutual respect and high trust, including so as to address any issues and concerns that might arise, early and constructively, to ensure that process expectations are clear and aligned and to act and respond in ways that reflect a fair assessment of the importance or materiality of the matters requiring an action or a response

- c) constructive: non-adversarial dealings between the parties, and constructive mutual steps to avoid differences and disputes and to identify solutions that advance the shared interests and objectives of both central and local government with respect to the communities they serve
- d) open and fair: open, prompt and fair notification and resolution of any differences or disputes which may arise and the identification of potential risks and/or issues (including potential causes of delay) that could adversely impact the timely completion of the activities within the timeframes specified in any agreed programme of activities
- e) no surprises: adopt a 'no surprises' approach in respect of their respective communications to stakeholders and their public statements and to ensure they are consistent with the spirit and intent of this Terms of Reference.

### Escalation

In the event that a majority of Steering Group members feel that the Ministry is not hearing the group's advice, or that the Ministry is unresponsive to it, the group may request that the local Government co-chair communicates the matter(s) to the Secretary for the Environment, and if it is not resolved at that level, then to the Minister.

### **Composition, Chairing and Tenure**

The Steering Group comprises local elected members and council chief executives (or other senior officers), staff from LGNZ, Taituarā and the Ministry for the Environment. Other central government and non-governmental staff or representatives will be invited to attend Steering Group meetings as appropriate.

The Steering Group is co-chaired by the Ministry for the Environment and a local government member of the Steering Group.

Members are selected based on:

- their personal experience and expertise, and ability to provide constructive, free and frank advice. Steering Group members do not represent any council or organisation
- a range of council types, geographic locations, environments and communities
- having the support of the local government sector through LGNZ and Taituarā.

Steering Group members are appointed by the Secretary for the Environment after consultation with LGNZ and Taituarā. The term for appointments will be as agreed. This initial term is until 31 December 2022.

Steering Group members who depart from the group for any reason will be replaced after considering the needs of the group and the sector.

### **Duration and review periods**

It is anticipated that this reform will take between 5 – 10 years to completely embed across sectors. This Steering Group will remain active through the policy development process and to provide advice on transition and implementation planning.

To ensure the Steering Group remains fit-for-purpose, any aspect of the Steering Group including its role, membership, efficacy and ways of working will be reviewed annually or earlier if a majority of members or the Ministry for the Environment requests it.

## **Confidentiality**

All Steering Group members are expected to agree to confidentiality and conflict of interest requirements detailed in the letter of appointment, which will be reviewed to ensure they remain current.

## **Meeting frequency and Quorum**

The Steering Group will nominally meet monthly but will meet as needed in periods of increased or decreased need.

## **Secretariat**

The Ministry for the Environment will provide secretariat support to the Steering Group and any associated subgroups and their work. The Ministry for the Environment will lead reporting from the Steering Group to the Minister for the Environment and Ministerial Oversight Group ministers. The Secretariat will lead agreed communications to the local government sector.

## **Associated Groups**

The RM Reform programme includes a number of governance and operational groups. Others may be established to meet the evolving needs of the programme.

### Strategic Planning Reform Board

The Strategic Planning Reform Board is an interdepartmental executive board set up and responsible for developing the SPA under the Public Services Act. The Board consists of the chief executives of the following agencies; Ministry for the Environment (MfE), The Treasury (TSY), Ministry of Housing and Urban Development (HUD), Department of Internal Affairs (DIA), Ministry of Transport (MoT) and Department of Conservation (DoC).

The Board provides collective advice to the Minister for the Environment and the MOG. The Board reports to the Minister for the Environment on its operation and functions. The Board is chaired by the Secretary for the Environment and has appointed a Director to lead and coordinate the work.

The Steering Group may provide advice to the Strategic Planning Reform Board / RM CEs through statements in papers and/or by being invited to attend relevant parts of Board meetings.

### RM Reform Board

The RM Reform Board is made up of the same chief executives as the Strategic Planning Reform Board above. The purpose is to provide oversight and direction on the resource management reforms for the MOG.

### Responsible ministers and the Ministerial Oversight Group (MOG)

The Steering Group may provide agreed messages in advice to the lead ministers (Minister for the Environment and Minister for Climate Change) and/or to the MOG in papers. One or more Steering Group members may also be invited to attend relevant parts of ministerial meetings.

### Steering Group subgroups and other fora

The Steering Group may decide to establish sub-groups or advise on separate fora. These could be to enable:

- sufficient technical input from the sector eg, on CAA policy
- testing and piloting of policy
- clear and regular communications to the sector and ability for them to ask questions and provide feedback through webinars and other channels
- delivering implementation of the reforms to all councils
- avenues for elected members to meet with ministers.

## **Accountabilities and decision-making**

### Participation

Members are expected to attend as many meetings as they can and to any agreed work. If a member cannot attend a delegate is not generally able to be sent in their place.

Participation in the Steering Group does not preclude or replace normal decision-making processes by individuals, or their organisations on the RM reforms (eg, through select committees).

Agencies are invited to have the deputy secretary responsible to attend as an observer (delegates will not generally be welcomed). Local Government New Zealand and Taituarā may choose to be represented on the Steering Group by the deputy chief executive and are invited to have an observer attend meetings.

Members are not representative of any sector, organisation or group, but are there as individuals.

### Decision-making

The Steering Group does not hold decision-making responsibilities on any aspect of the RM Reforms.