

MINUTE

RM Reform Ministerial Oversight Group Meeting #16

Date	Tuesday 29 March 2022, 4 to 5pm
Location	Zoom
Chair	Hon Grant Robertson, Minister of Finance
Deputy Chair	Hon David Parker, Minister for the Environment
Attendees	Hon Kelvin Davis, Minister for Māori Crown Relations: Te Arawhiti Hon Dr Megan Woods, Minister of Housing Hon Poto Williams, Minister of Building and Construction Hon Damien O'Connor, Minister of Agriculture Hon Michael Wood, Minister of Transport Hon Kiritapu Allan, Minister of Conservation, Associate Minister for Arts, Culture and Heritage, and Associate Minister for the Environment Hon Phil Twyford, Associate Minister for the Environment Hon James Shaw, Minister of Climate Change
Apologies	Hon Nanaia Mahuta, Minister of Local Government Hon Willie Jackson, Minister for Māori Development

Paper 1: Role of Central Government in the new system

The Ministerial Oversight Group (MOG) is recommended to:

National Planning Framework (NPF)

1. **note** that MOG #3 agreed the NPF will be secondary legislation made by the Governor-General in Council
2. **agree** that, subject to decisions on the role of the Minister of Conservation in relation to the coastal marine area, the Minister for the Environment will have responsibility for developing the NPF and recommending it to Cabinet and (subject to Cabinet's agreement) the Governor-General
3. **note** that MOG #8 delegated to the Minister for the Environment and Minister of Conservation, in consultation with other ministers as appropriate, decisions about the Minister of Conservation's existing role, which includes the role of the Minister of Conservation in relation to the NPF
4. **note** that the intention is that other relevant portfolio ministers would still be involved in the development and implementation of elements of the NPF, although this would not be specified in legislation

Participation in Regional Spatial Strategy (RSS) committees

5. **note** that officials will provide detailed advice to MOG #17 on RSS committee governance arrangements
6. **agree** that central government will have a member on RSS committees

7. **agree** that the central government RSS committee members will be decision makers with voting powers
8. **agree** in principle that the central government RSS committee members will be ministerial appointees, subject to MOG #17 decisions on committee governance arrangements

Providing strategic direction into the system

9. **agree** that one of central government's functions in the new system should be to provide strategic direction into the system
10. **authorise** the Minister of Finance, Minister for the Environment, Associate Minister for the Environment (in relation to Māori rights and interests), Minister of Local Government, Minister of Housing, Minister of Conservation and Minister of Transport to make further decisions relating to the purpose, scope, and form of central government strategic direction in the RM system
11. **authorise** the Minister for the Environment, in consultation with other Ministers as appropriate, to make minor or technical decisions relating to any legislative drafting for central government strategic direction in the RM system, if required

11A - note that decisions on the content of any central government strategic direction into the system will be subject to separate decisions at a later date.

Upholding Treaty settlements

12. **note** there is a separate delegated decision paper delegated from MOG #15 on policy decisions relating to upholding rights recognised under the Takutai Moana Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019
13. **note** that the central government is responsible for:
 - a. overseeing or ensuring that settlement commitment responsibilities, and rights recognised in Takutai Moana as described in recommendation 12, are upheld as they apply to RSS Committees
 - b. ensuring each central government agency relationship, settlement and legislative commitments are given effect to during RSS development and delivery; and
 - c. there may be further decisions sought on these matters as part of delegated decisions agreed at MOG #15 on upholding the responsibilities and rights identified at (a)

Paper 2: Resource allocation and user charges

It is recommended that the Ministerial Oversight Group (MOG):

General

1. **note** that the RMA currently enables a wide range of allocation approaches for a number of resources, and that:
 - a. in practice, the approach of first in first served has been widely adopted
 - b. in a small number of cases an alternative allocation approach has been adopted, such as nitrogen trading in the Lake Taupo catchment
2. **note** the RMA also enables coastal occupation charges and user charges for sand, shingle, shell, or other natural material from the coastal area; and geothermal energy
3. **note** that the Panel considered that the:
 - a. approach of first in first served is not sustainable, efficient, or equitable when resources are scarce
 - b. RMA does not sufficiently recognise and redistribute the benefits accruing from the private use of public resources
4. **note** that the proposals in the accompanying paper aim to balance providing opportunities for new users (including Māori) to come into the system and the interests of existing users in the system, by enabling the reallocation of scarce resources over time
5. **agree** that the proposals in the accompanying paper cover all resources allocated under the RMA, but not the development capacity of land or natural resources covered by dedicated legislation, such as the Crown Minerals Act 1991 and Climate Change Response Act 2002
6. **note** that the scope of resources covered by the proposals in the accompanying paper includes (but is not limited to): taking or diverting of, and discharging to, freshwater; occupation of coastal marine space; energy and heat from geothermal; air pollution; assimilative capacity of the environment more generally; navigation rights on the surface of rivers, lakes, and in the sea; biodiversity; and river and coastal marine area materials (such as gravel and sand) and space

[6A] note that there have been concerns raised regarding the scope of the resources covered by the allocation proposals - specifically the inclusion of biodiversity, and exclusion of the development capacity of land

[6B] authorise the Minister for the Environment and Associate Minister for the Environment (Hon Kiri Allan), in consultation with the Minister of Energy and Resources, Associate Ministers for the Environment (Hon Phil Twyford and Hon James Shaw) and Minister of Conservation, to jointly consider and make changes to the proposals in the accompanying paper to address these scope concerns
7. **agree** that for freshwater takes and diversions, Parliament would need to authorise any change to the position that consents to take or divert freshwater must be held by the user¹ of the water, and cannot generate revenue for local or central government
8. **note** further for freshwater takes and diversions, that the Minister for the Environment considers the NBA should not enable use of resource user charges or market mechanisms that generate revenue for local or central government (such as auctions,

¹ "User" includes circumstances such as where an irrigation company holds water consents and supplies water to customers or shareholders.

tenders or user charges beyond cost recovery), and that this is reflected in the proposals in the accompanying paper

9. **note** that:
- a. while some of the changes included in the accompanying paper will impact on existing users, these impacts are not proposed to affect day-to-day resource use until after NBA plans become operational
 - b. impacts on existing users' is expected to be a minimum of ten years away
 - c. the vast majority of water take consents, particularly in Otago and Canterbury, will expire over the next 20 years (see Appendix One), with most of these, representing a considerable volume of water, expiring in the next 10 years
 - d. these proposals will not curtail existing consents granted under the RMA

General delegations

10. **authorise** the Minister for the Environment and Associate Minister for the Environment (Hon Kiri Allan) to jointly make technical changes to the proposals in the accompanying paper and further policy decisions in line with the intent of the policies
11. **note** that on 13 December 2021, MOG agreed to delegate decisions on consent reviews (not relating to allocation) to the Minister for the Environment, in consultation with the Minister of Local Government and Minister of Conservation
12. **agree** to extend the scope of the delegation referred to in Recommendation 11 to include allocation and in particular:
- a. broadening the grounds for consent reviews of all resources to include cumulative effects
 - b. the circumstances (if any) in which consent reviews should be mandatory
13. **note** that a small number of delegations are set out under the proposals to which they relate below

Māori rights and interests

14. **note** that discussions are underway with the iwi/Māori groups on a medium-term work programme to address Māori rights and interest in freshwater, including through preparation of a relationship Accord [REDACTED]
15. **note** that Ministers have made a commitment to Māori that resource management (RM) reform will not preclude options for addressing Māori rights and interests in freshwater in the future
16. **note** that preliminary discussions with the Māori groups have been held and a key focus of upcoming discussions will be on how proposals for reform preserve options for addressing Māori rights and interests in freshwater in the future
17. **note** that the proposal to reduce the length of consents in the period between enactment of the NBA and NBA plans becoming operative, will also have a key role in supporting the forward work programme on addressing Māori rights and interest in freshwater
18. **note** the following proposals relating to Māori freshwater rights and interests have been put forward and are currently being evaluated by officials:
- a. [REDACTED] has requested a preservation clause be included in the NBA to mitigate the risk of Māori freshwater rights and interests being precluded [REDACTED]

- b. the Minister for Māori Crown Relations has requested the exploration of a statutory timeframe in the NBA for addressing Māori freshwater rights and interests
19. **authorise** the Minister for the Environment and Associate Minister for the Environment (Hon Kiri Allan), in consultation with the MOG Māori Interests subgroup and the Ministers of Energy and Resources, Agriculture, and Conservation, to make decisions in relation to the proposals at Recommendation 18 above
20. **note** that Cabinet has noted that engagement with Māori will be important to help ensure RM reform avoids unintended consequences for, and upholds the integrity of, natural resource arrangements agreed by Māori and the Crown in current Treaty settlement negotiations; as well as for:
- a. rights recognised under the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019
- b. natural resource arrangements agreed by Māori and local government under existing provisions of the RMA (CAB-20-MIN-0522 refers)
21. **note** that:
- a. aquaculture is an RM reform topic delegated to the Minister for the Environment in consultation with other Ministers [MOG #15 Minutes – 13 December 2021 refers]
- b. a dedicated paper on aquaculture will consider how aquaculture will be managed in the reformed RM system and how to ensure the effective operation of the Māori Commercial Aquaculture Settlement Act 2004, to the degree that it relies on the new RM system legislation, is upheld

Proposals

22. **note** that the Panel recommended that the NBA should retain the current allocative functions for resources in the RMA, and also provide an enhanced enabling framework for resource allocation and user charges comprising new allocation principles, continued national direction, greater use of plans, new consenting provisions, and a broader ability to impose user charges (see paragraph 2 of the accompanying paper for more detail of the Panel's recommendations)
23. **note** that allocation approaches and user charges will need to give effect to the higher order provisions in the NBA, including the purpose, outcomes, and Te Tiriti o Waitangi (Te Tiriti) clause
24. **note** that Appendix Two provides additional detail about the proposals in the accompanying paper, including alternative options considered but not progressed

Allocation principles

25. **agree** to include allocation principles of sustainability, efficiency, and equity in the NBA and that:
- a. the NPF provide direction on the meaning and application of these principles
- b. Ministers, when developing allocation approaches in the NPF, must have regard to these principles
- c. joint committees must have regard to these principles when developing allocation approaches in plans (subject to direction in the NPF)

National direction on allocation approaches

26. **agree** to enable the NPF to guide or direct the use of resource allocation approaches in NBA plans

Allocation approaches in plans

27. **note** that under the RMA, regional councils can prepare a regional plan to allocate resources, but it is not mandatory to do so unless directed through subordinate legislation
28. **agree** that the NBA require joint committees to set out an approach, or approaches, for allocating resources in NBA plans (in line with any direction issued in the NPF)
29. **note** that where a resource is not under pressure, simple allocation approaches (such as first in first served or stating that the extraction or discharge of a resource is a permitted activity) may be appropriate
30. **note** that Recommendations 4242 42and 48 prevent the generation of revenue from allocating freshwater takes and diversions

Consenting - consideration of existing investment

31. **agree** that the priority given to existing consent holders (section 124B of the RMA) and the requirement to have regard to the value of existing investment at reconstituting (section 104(2A) of the RMA) are:
 - a. retained for the period before NBA plans become operative
 - b. removed from the point at which NBA plans become operative, as existing investment will be included in the application of the allocation principles as set out in the NPF
32. **note** that the priority given to existing consent holders will be determined through allocation approaches set by joint committees (implementing any national direction), rather than being prescribed through the NBA

Consent durations

33. **note** there is a maximum consent duration of 35 years under sections 123(c) and (d) and 123A of the RMA, which cover consent durations for water permits, discharge permits, coastal permits, and some land use consents issued by regional council
34. **agree** to make the following changes to consent durations (currently set out under sections 123A(c) and (d) and 123A of the RMA):
 - a. the NBA will enable a maximum consent duration of less than 35 years to be set through the NPF (or plans) for a particular resource or in specified circumstances
 - b. criteria can be set through the NPF (or plans), which if satisfied, will allow a consent to be issued for longer than this set period (but no more than 35 years)
35. **agree** that all resource consents granted after the NBA is enacted and until plans become operative:
 - a. will expire no later than three years after the relevant NBA plan becomes operative (though consents may be granted for a shorter period)
 - b. can be issued for up to 35 years for uses or users that meet specific criteria for an exemption (such as renewable electricity generation, drinking water supplies, and Crown and local government infrastructure)
36. **note** that the NBA will continue to take the same approach as the RMA to duration for consents relating to coastal reclamations, subdivisions, and land use, which can be issued for unlimited durations under section 123(a) and (b) of the RMA
37. **authorise** the Minister for the Environment and Associate Minister for the Environment (Hon Kiri Allan), in consultation with the Minister of Finance, to jointly make further policy decisions on the criteria for exemptions referred to in Recommendation 35b
38. **agree** that councils be empowered to use tranches of common expiry dates for consents during both the transitional period and in the longer-term

39. **agree** to continue the current approach, under section 124 of the RMA, that enables consent holders to continue exercising their rights beyond the expiry of their consent, while they apply for a new consent

Bespoke consenting provisions

40. **agree** that, where appropriate, bespoke consenting provisions can be set through the NPF (or other subordinate legislation) or plans to support the implementation of alternative allocation approaches
41. **authorise** the Minister for the Environment and Associate Minister for the Environment (Hon Kiri Allan) to jointly make further policy decisions on the consenting provisions for which bespoke approaches can be set

Resource user charges and market-based mechanisms for allocating resources

42. **agree** that the NBA enable resource user charges to be imposed as a condition of a consent to use a resource where a:
- a. resource charge or rent/royalty is already possible under the RMA (removal of sand, shingle, shell or other natural material from the coastal area, geothermal energy, and coastal occupation)
 - b. limit or target is set for a resource allocated under the NBA (except for freshwater takes and diversions)
43. **agree** that the purpose of resource user charges is to:
- a. help ensure that private users who use a free public resource for profit, share some of those benefits with the public
 - b. reflect, in part or in full, the cost of environmental externalities (including pollution from diffuse sources) and the cumulative impacts of resource use
 - c. provide a means to help fund the system
44. **agree** to:
- a. replace existing coastal occupation and royalties and rents provisions with this broad user charge framework for consistency across resources
 - b. provide for continued payment of coastal occupation charges and royalties and rents under existing provisions, until replaced by a resource user charge
45. **authorise** the Minister for the Environment and Associate Minister for the Environment (Hon Kiri Allan), in consultation with the Minister of Finance, to jointly make decisions on provisions which set out the details of:
- a. the manner in which the charge will be determined
 - b. whether charges will be set by Ministers through national direction (or other subordinate legislation) or joint committees through plans (subject to NPF direction)
 - c. the circumstances in which the charge will be imposed
 - d. the way the money received can be used
 - e. the entities responsible for administering the charge and to whom the charge is paid
 - f. the circumstances in which the relevant decision maker should consider waiving the charge (in whole or in part)
 - g. timeframes in which a charge must be paid
 - h. penalties for non-payment
 - i. monitoring, compliance, and enforcement obligations for the entity administering the charge and the person/s subject to the charge

- j. when charges can be introduced, including treatment of existing consent holders
 - k. available dispute settlement mechanisms
46. **note** that resource user charges for coastal occupation must not be imposed on a protected customary rights group or customary marine title group exercising a right under Part 3 of the Marine and Coastal Area (Takutai Moana) Act 2011, in line with section 64(4A) of the RMA
47. **authorise** the Minister for the Environment and Associate Minister for the Environment (Hon Kiri Allan) to make further policy decisions on any statutory exemptions
48. **agree** that:
- a. the NBA will provide for the collection and spending of revenue for market-based mechanisms that involve payment to the council, such as auctions or tenders
 - b. market-based mechanisms that generate revenue for local or central government cannot be used for the allocation of freshwater takes or diversions
49. **authorise** the Minister for the Environment and Associate Minister for the Environment (Hon Kiri Allan), in consultation with the Minister of Finance, to jointly make decisions on provisions relating to the collection and expenditure of this revenue

Period between enactment of NBA and NBA plans becoming operative

50. **note** that decisions on the rules framework that will be in place in the period between the enactment of the NBA, and NBA plans becoming operative, are the subject of a separate paper to be considered by MOG on 29 March 2022

Drafting instructions

51. **invite** the Minister for the Environment to issue drafting instructions to the Parliamentary Counsel Office to give effect to the recommendations for the NBA agreed to in this minute, and to those decisions delegated to that Minister and Associate Minister for the Environment (Hon Kiri Allan), in consultation with other Ministers as specified.

Paper 3: Environmental Limits and targets

The Ministerial Oversight Group (MOG) is recommended to:

Issues arising from the status quo in the 2021 exposure draft

1. **Note** that two of the concerns about limits raised in submissions to the 2021 Exposure Draft proposals were that:
 - a. limits could unnecessarily restrict development, because there was no certainty about the level that limits would be set at (the Infrastructure Reference Group echoed this concern)
 - b. the natural environment could be degraded down to a limit, and degraded environments should be required to be improved.
2. **Note** that the point at which an environmental limit should be prescribed to protect the ecological integrity of the natural environment cannot in all cases be easily narrowed to an environmental tipping point as envisaged by the Resource Management (RM) Reform Panel (the Panel).

A revised basis for defining limits, and introducing targets

3. **Note** that making the current state of ecological integrity within a management unit the foundation for limits would provide an objective basis that increases certainty to communities, including developers, about how stringent limits can be.
4. **Note** that the approach to maintain or improve the current state of ecological integrity is consistent with existing national direction for the coastal environment and freshwater, and proposed for indigenous biodiversity.
5. **Agree** that the level of environmental limits to protect ecological integrity will be defined as the current state of ecological integrity.

Yes/No

6. **Note** that environmental limits to protect human health will continue to be set to achieve health outcomes (eg, risk of infection or acute or chronic effects) informed by relevant health guidelines, rather than being based on the current state of the environment
7. **Agree** that environmental limits to protect human health will not be prescribed according to the current state of the environment.

Yes/No

8. **Note** that targets for ecological integrity and human health will be required to avoid locking in existing unacceptable degradation of the natural environment, and ensure that those environments are improved and restored.

[8A] Note that targets may also be set for other parts of the natural and built environments.

9. **Agree** that where a part of the natural environment is already unacceptably degraded, the NPF will set out a minimum level or target which regions must manage to (that is, a target equal to the limit/current state will not be acceptable).

Yes/No

10. **Agree** that the NBA plans must include targets set at least at the level of the limit, or the NPF directed minimum level or target (whichever is higher quality), for each aspect of the natural environment for which limit attributes are prescribed.

Yes/No

11. **Note** that more detailed advice and recommendations will be provided on the criteria that will apply to decisions on minimum levels of targets that regions must manage to in situations where a part of the natural environment is degraded.
12. **Note** that requiring limits and targets to be set at a management unit scale can ensure that what is required to protect and restore the natural environment is identified, and made to happen, and give developers investment certainty, by clearly defining the envelope within which development can occur.
13. **Agree** that management units will be set at an appropriate spatial scale and delineation to ensure no net loss of current ecological integrity, protect human health, and achieve targets.

[13A] Agree that subject to recommendation 13 above, the spatial scale and delineation of management units should be set to provide flexibility and maximise opportunities for appropriate offsetting.

[13B] Note that MOG #17 advice will consider whether the NBA or NPF (giving effect to NBA requirements) should include detailed direction on setting management units covering, for example, how they should be informed by housing need and whether they should be subject to specific tests.

Confirming direction for future advice, including around flexibility to support development within limits

14. **Note** that a targeted exceptions regime was assessed as a way of better enabling essential infrastructure within limits, but this is not preferred.
15. **Note** that officials will provide further advice on the detail of how the environmental limits and targets regime will be designed to ensure it meets both environmental protection and development objectives, and finalise advice on whether a targeted exceptions regime is required, at MOG #17.
16. **Note** that this may include advice on further changes needed to better align environmental limits and targets with Te Oranga o te Taiao

17. 

Paper 4: Transition Pathways

In relation to the development of transitional provisions in the SPA and NBA the Ministerial Oversight Group is recommended to:

1. **agree** that the following principles will be used to guide development and decision making on legislative transitional provisions for the SPA and NBA:
 - d. transitional provisions shall provide certainty, clarity and clear instruction for system implementers and users
 - e. where practicable, the transition should enable the outcomes of the new system to be realised rapidly
 - f. Treaty Settlements shall be upheld through transition and into the implementation of the new system, and other local and regional relationship/partnership arrangements established outside of Treaty Settlements should be maintained
 - g. existing RMA instruments and authorisations should be carried over to the new Resource Management (RM) system until lapsed, expired, surrendered, cancelled or replaced by new RM system products and authorisations
 - h. RMA actions that are in progress at the time of enactment of the SPA and NBA (such as lodged consent applications, notified plans and plan changes, water conservation order applications, heritage order applications, notice of requirement applications, compliance procedures and Court proceedings) will continue under the provisions of the RMA, unless an alternative approach has been provided for in respect of specific actions/processes
 - i. until such time as NBA Plans have legal weight, procedures and decision-making on actions that commence after enactment of the SPA and NBA (such as lodged consent applications, notified plans and plan changes, water conservation order applications, heritage order applications, notice of requirement applications, compliance procedures and court proceedings) will proceed under the provisions of the RMA (unless an alternative approach has been provided for in respect of specific actions/processes), but, where practicable, will have regard to the purpose, outcomes and treaty clause of the NBA; as well as any limits, targets, national direction and regional spatial direction developed under the SPA and NBA as applicable
 - j. any RMA obligations that are not essential to maintain operational integrity of the RM system, and/or do not contribute towards effective and efficient transition to and implementation of the new RM system, should not be carried over, particularly if removing limited value RMA obligations provides additional capacity to focus on new RM system implementation
2. **authorise** the Minister for the Environment to take further detailed decisions relating to transitional provisions for the NBA, except where additional ministers have been included to take decisions on transition related provisions at MOG #15² (ie, relating to NBA Plan making and consenting matters)
3. **authorise** the Minister of Finance, Minister for the Environment, Associate Minister for the Environment (in relation to Māori rights and interests), Minister of Local Government, Minister of Housing, Minister of Conservation, Minister of Transport and Associate Minister for Arts, Culture and Heritage to take further detailed decisions relating to transitional provisions for the SPA.

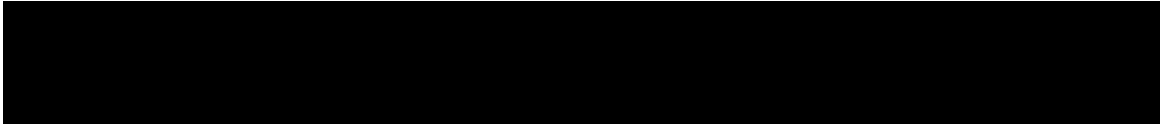
² Recommendation (51) agreed. Paper 2, MOG #15 on 13 December 2021.

In relation to implementation architecture related provisions in the SPA and NBA, the Ministerial Oversight Group is recommended to:

4. **note** that there is a hierarchy of instruments in the new RM system with the NPF providing overall direction to RSSs that provide guidance to the NBA Plans
5. **note** that the content and structure (and consequently timing) of the first version of the NPF will be reported in a forthcoming MOG #17 paper
6. **agree** that a sequential rollout approach will be taken to implement the new RM system
7. **agree** that a tranced approach to implementation be adopted, with different groups of regions developing their first-generation RSSs and NBA Plans at different times
8. **agree** that mandatory deadlines will be set for when each region must notify for public submission their first-generation RSS and NBA Plan
9. **agree** to including a provision in the SPA which empowers the Minister for the Environment to create secondary legislation relating to first-generation RSS implementation timetabling
10. **agree** to including a provision in the NBA which empowers the Minister for the Environment to create secondary legislation relating to first-generation NBA Plan implementation timetabling
11. **note** that officials will provide the Minister for the Environment with further advice on the overall transition timing and options and implications for first-generation RSS and NBA Plan timetabling, prior to them preparing the secondary legislation referred to in (9) and (10)
12. **note** that the secondary legislation referred to in recommendations (9) and (10) may include provisions relating to:
 - k. the number of tranches (groups) of regions
 - l. how many and which regions are in each tranche
 - m. mandatory deadlines for first-generation RSSs and NBA Plans
13. **note** that the use of the first tranche as “model regions” combined with an expansion of the pool of potential chairs for Independent Hearing Panels (IHPs) has the potential to accelerate the transition to the new RM system

[13A] **agree** that prior to creating timetabling provisions in secondary legislation under the SPA and NBA, the Minister for the Environment will consult with key system implementers and the secondary legislation will be in place with a reasonable lead in time for system implementers
14. **agree** that the first tranche of first-generation RSSs and NBA Plans will constitute more than one model region
15. **note** that in relation to the model regions:
 - n. region selection will occur prior to enactment of the SPA and NBA and, therefore, prior to any secondary legislation being developed
 - o. work with the model regions on early RSS development (including early joint committee establishment processes) will commence prior to enactment of the SPA and NBA
16. **note** that the availability of suitable chairs for the IHP’s is an important determinant of the number of regions in each tranche, how many tranches are required and therefore the length of time for the transition to the new RM system

17.



18. **note** that the requirements for a successful IHP chair includes a high standing in the RM community, the confidence of all parties and an ability to work through issues and develop well considered decisions
19. **note** that the Minister for the Environment and Attorney General is considering the options of expanding the pool of potential IHP chairs and anticipate reporting back with recommendations to MOG at MOG #17
20. **note** that the Minister for the Environment has already agreed that all IHP members, including the Chair, must be appointed by the Chief Environment Court Judge (CEJ).³ The CEJ must use *“a process that ensures the IHP is independent and has the skills, knowledge and experience required to fulfil its statutory functions”*
21. **note** that there are significant interdependencies with decisions to be taken at MOGs #16 and #17 as well as further work relating to upholding Treaty Settlements in the new RM system
22. **note** that upholding arrangements within Treaty settlements, takutai moana, and between local government and Māori under the RMA in the new legislation is a key consideration for future decisions on the:
- p. timing and selection of regions and tranches (including model region(s)) in transitioning to the new system
 - q. decisions regarding timing for how to effectively provide for those amended arrangements in the new system, and the transition from existing arrangements under the RMA
23. **note** that ensuring key system partners and implementers have the capacity, capability, resourcing and funding to effectively and efficiently implement the new RM system will be a critical factor in achieving the objectives of reform.

³ Recommendation (18) agreed. Briefing BRF-946 dated 9 December 2021.

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