

s 9(2)(a)

20-D-01527

Dear s 9(2)(a)

Thank you for your email of 10 August 2020 to the Minister for the Environment, Hon David Parker and the Ministry for the Environment (the Ministry) requesting the following under the Official Information Act 1982 (the Act):

*I would like to request, under the Official Information Act, any advice - in full - that the Ministry for the Environment has given regarding substantial reforms to or **repeals** of the Resource Management Act - and the creation of any replacement legislation - given to Minister Parker or any other Minister, or given internally.*

I would also like to request, in full, any advice/correspondence given as to possible timeframes of when MFE may have been able to deliver the repeal of the RMA and create/introduce replacement legislation, including but not limited to whether MFE will be able to deliver any reforms to the RMA within the first 100 days of a new government, or any other timeframe.

To be clear, I am requesting both advice in full, and any correspondence/emails relating to this matter. I am looking for any of the above documents/correspondence from the time period between 10/5/20 to 10/8/20.

This response covers both requests to the Ministry and Minister for the Environment.

On 19 August 2020, the Ministry sought clarification from you about the scope of advice that had been "given internally" and whether this meant advice given to decision making bodies within the Ministry, including the Ministry's senior leadership team, the internal governance group for resource management reform, and the governance board of the relevant division in responsible for resource management reform.

On 21 August 2020, you sent an email reply stating:

By 'given internally' I mean any advice or correspondence both provided to MFE, sent/given/created by MFE, or sent/given internally.

On 25 August 2020, the timeframe for this response was extended by 15 working days under section 15A(1)(b) of the Act. This extension was made on the basis that consultations would be necessary to make a decision on the request and that a proper response could not reasonably be made within the original timeframe.

The Ministry has identified 22 documents in scope of your request, as listed in the attached table.

One document has been refused under section 18(d) of the Act, as it will soon be made publicly available. This document will be published on the Ministry's website in the coming months.

Three other documents are also being withheld under section 9(2)(f)(iv) and section 9(2)(g)(i) of the Act to maintain the constitutional conventions for the time being in respect of the confidentiality of advice tendered by officials.

15 documents have information withheld under the following sections of the Act:

- Section 9(2)(f)(iv) to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials
- Section 9(2)(g)(i) to maintain the effective conduct of public affairs through the free and frank expression of opinions by, or between, or to, Ministers of the Crown or members of an organisation.

The final three documents have been provided to you in full.

In terms of section 9(1) of the Act, I am satisfied that, in the circumstances, the withholding of this information is not outweighed by the need to maintain the convention which protects the confidentiality of officials' advice for the time being while material is being actively considered and decisions are still to be made.

You have the right to seek an investigation and review by the Office of the Ombudsman of my decision to withhold information relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found on their website at: www.ombudsman.parliament.nz.

Please note that, due to the public interest in our work, the Ministry publishes responses to requests for official information on our [OIA responses page](#) shortly after the response has been sent. If you have any queries about this, please feel free to contact our Executive Relations team: ministerials@mfe.govt.nz.

Yours faithfully



Lesley Baddon
Director – Natural and Built Systems

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Document schedule

Document no.	Document date	Content	Decisions	OIA sections applied
1	22 May 2020	2020-B-06773 Resource Management Review #09 - Finalising the Panel's report	Release in full	N/A
2	15 June 2020	RM Reform: MfE Governance Board, 15 June 2020 – agenda and papers	Release in part	S9(2)(f)(iv)
3	16 June 2020	2020-B-06774 Resource Management Review #10 – MCR report back	Release in part	S9(2)(f)(iv)
4	19 June 2020	Update on the Resource Management Review for Built and Urban System and Sustainability Deputy Chief Executives, 24 June 2020	Release in part	S9(2)(g)(i)
5	24 June 2020	RM Reform: MfE Governance Board, 24 June 2020 – agenda and papers	Release in part	S9(2)(g)(i) S9(2)(f)(iv)
6	30 June 2020	2020-B-06775 Resource Management Review #11 – Final Resource Management Review Panel report	Release in full	N/A
7	2 July 2020	RM Reform: MfE Governance Board, 2 July 2020 – agenda and papers	Release in part	S9(2)(g)(i) S9(2)(f)(iv)
8	14 July 2020	RM Reform: MfE Governance Board, 14 July 2020 – agenda and papers	Release in part	S9(2)(f)(iv)
9	14 July 2020	RM Reform Governance Board Meeting notes, 14 July	Release in part	S9(2)(g)(i) S9(2)(f)(iv)
10	17 July 2020	MfE view on future RM system: Proposal to engage with Māori, 17 July 2020	Release in part	S9(2)(g)(i) S9(2)(f)(iv)
11	22 July 2020	2020-C-06850 Comprehensive review of	Release in full	N/A

		the resource management system: releasing the Resource Management Review Panel's final report: Talking points on additional recommendation for ENV, 23 July		
12	22 July 2020	RM Reform Governance Board Meeting notes, 22 July	Release in part	S9(2)(f)(iv) S9(2)(g)(i)
13	28 July 2020	RM Reform Governance Board Meeting notes, 28 July	Release in part	S9(2)(f)(iv)
14	3 August 2020	Talking points for meeting with Minister Parker and the Treasury on the RM Review Panel report, 3 August 2020	Release in part	S9(2)(g)(i) S9(2)(f)(iv)
15	4 August 2020	2020-B-07080 Meeting note to discuss the Resource Management Review Panel's recommendations for a Strategic Planning Act	Release in part	S9(2)(f)(iv)
16	4 August 2020	RM Reform Governance Board, 4 August 2020 – agenda and papers	Release in part	S9(2)(f)(iv) S9(2)(g)(i)
17	4 August 2020	RM Reform Governance Board Meeting notes, 4 August	Release in part	S9(2)(f)(iv)
18	6 August 2020	Talking points for BUS and Sustainability DCEs Meeting 6 August 2020	Release in part	S9(2)(f)(iv)
19	23 July 2020	2020-C-06850 Comprehensive review of the resource management system: releasing the Resource Management Review Panel's final report	Withhold in full	S18(d)
20	22 July 2020	RM Reform Governance Board, 22 July 2020 – RM Reform and Freshwater allocation timelines	Withhold in full	S9(2)(f)(iv)
21	30 July 2020	Environmental Responsibility	Withhold in full	S9(2)(f)(iv) S9(2)(g)(i)

		Framework, 30 July 2020 – Te Purengi memo		
22	10 August 2020	RM Reform work programme 2020-2023, 10 August 2020	Withhold in full	S9(2)(f)(iv)

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2019-B-06773 Resource Management Review #09– Finalising the Panel’s report

Date Submitted	22 May 2020	Tracking #: 2019-B-06773
Security Level	In-Confidence	MfE Priority: Urgent

	Action sought:	Response by:
Hon David Parker, Minister for the Environment	<p>Discuss this briefing with officials at the weekly update meeting on 25 May</p> <p>Agree the timing and approach for seeking Cabinet decisions to consider and release the Resource Management Review Panel’s report</p>	25 May 2020

Actions for Minister’s Office Staff	<p>Note the contents of this briefing will be discussed the weekly update on 25 May</p> <p>Assist with coordinating Cabinet and Committee processes in line with the timing and approach confirmed by the Minister</p> <p>Return the signed report to MfE</p>
Number of appendices: 1	<p>Title of appendix:</p> <p>1. Indicative Timeline</p>

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Author	Will Collin	022 012 8488	
Responsible Manager	Angus White	021 130 2174	
Director	Simon King	022 047 5541	✓

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Purpose

1. The purpose of this briefing is to confirm the timing and approach to finalising the report prepared by the Resource Management Review Panel (the Panel). This report is the primary deliverable of the comprehensive review of the resource management system (the review).

Current state of progress

Timing of the Panel providing you with their report

2. On 7 May you wrote to the Panel thanking them for their work to date and requesting further content in relation to value uplift, supporting competitive urban land markets and improving the culture and accountability of local government. You also requested they draw on the expertise of specified economists, and offered more time (until end of June) to complete their report.
3. The Panel still intends to provide you with an interim draft of their report at the end of May. This will include the additional content you requested on local government accountability. The remaining content is currently being progressed by the economists and will be incorporated into a 'complete' draft to be provided to you at the end of June.
4. The Panel's report will be long (in excess of 500 pages) and will make a large number of recommendations.

Our role supporting the Panel coming to an end

5. The Panel has operated with a very high degree of practical independence throughout the review process. The Chair and Panel have largely directed how their review process will be run and we have provided both secretariat support and policy advice in accordance with this process. The Panel will want to own their advice, independent of the Government. The way the process has been run to date reflects that.
6. The review process has been robust and we are confident that the Panel will produce a high quality report, particularly given the breadth of their terms of reference, the time constraints and the impact of COVID-19. However, their review process has intentionally dissected the resource management system into its component parts and these have been progressed and considered separately.
7. Our focus is now shifting from providing secretariat support to the Panel to providing policy advice to you as the Minister. Our first task will be analysing the implications of the Panel's recommendations as a whole.

Advice

8. The Panel's term of reference state that Cabinet will be responsible for making all decisions about how to progress review findings.¹
9. We are seeking your direction on how we can help you:
 - finalise the Panel's report,
 - take it to Cabinet for consideration, and
 - release it to the public.
10. The A3 in Appendix 1 outlines the timing options described by this briefing and will be used to inform our discussion with you at the weekly update meeting on Monday 25 May.

¹ Resource Management Review Panel Terms of Reference,
www.mfe.govt.nz/sites/default/files/media/RMA/rm-review-final-terms-of-reference_0.pdf

Finalising the Panel's report

11. The Chair still intends to provide you with an interim report at the end of May. This will not be a 'complete' report as it will not include content on value uplift and supporting competitive urban land markets.
12. We will continue working with the Panel and economists to ensure you are presented with a final draft addressing all of the points raised in your 7 May letter by the end of June. We do not intend to provide you with our own policy advice on the Panel's report until the additional economic input has been integrated.
13. While we are confident that the Panel's report will address all of the specific issues requested by their terms of reference, we are still to consider the impact of the Panel's proposals as a whole. This will be included in the initial assessment of the Panel's findings that we will provide to you in early July, if not earlier. We will also use this advice to recommend whether you should accept the report for consideration by Cabinet, or whether any changes are required before it is ready to do so.
14. While the Panel's terms of reference allow you to direct them on any aspect of the report, doing so has the potential to undermine the independence of their product and review process to date. It would also extend the timeline before the report can be finalised. As such, we would only anticipate recommending you direct the Panel to make further changes to their report if we identify fundamental issues that are inconsistent with previous Cabinet direction.

Cabinet consideration and public release of the Panel's report

15. The Panel's report will cover a broad range of issues with significant implications for progressing outcomes across multiple portfolios.
16. We believe there is insufficient time remaining before the election to land a comprehensive Government response. Instead, we recommend preparing a short paper to advise Cabinet to note that you have received the report and seek agreement to publicly release it.
17. Given the significant public interest, we recommend Cabinet considers the Panel's report as soon as practicable after it is finalised to your satisfaction. Based on the process steps outlined above, this would mean going to ENV on 23 July and Cabinet on 27 July. Requesting significant changes to the report risks pushing Cabinet consideration into August.

Report back to the Māori Crown Relations: Te Arawhiti Committee (MCR)

18. The Cabinet Paper confirming the scope of the review also noted that "the Minister for the Environment will report to the Cabinet Māori Crown Relations: Te Arawhiti Committee on issues for Māori arising from the review before the Panel provides its final report" (CAB-19-MIN-0585.01 refers).
19. To fulfil this action, we recommend taking an oral item to MCR on 23 June. We can provide you with talking points covering the Panel's process for engaging with Māori during the review and the key themes arising from this engagement.

Next Steps

20. We will use part of the regular weekly update meeting on 25 May to discuss your preferred timing and approach to finalising the Panel's report, as outlined by this briefing.
21. We will begin preparing our advice and Cabinet material in line with your direction, alongside our ongoing support for the Panel to complete the review.

Recommendations

22. We recommend that you:

- a. **Discuss** this briefing with officials at the weekly update meeting on 25 May Yes/No
- b. **Agree** to take an oral item to MCR on 23 June to fulfil the commitment to report back on issues for Māori arising from the review before the Panel provide its final report Yes/No
- c. **Direct** officials to prepare a short Cabinet paper seeking agreement to publicly release the Panel's report without a corresponding government response Yes/No
- d. **Agree** that this Cabinet paper aim to be considered by ENV on 23 July and Cabinet on 27 July Yes/No

Signature



Simon King
Director
Natural and Built System 22/5/2020

Hon David Parker
Minister for the Environment

Date

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Appendix 1 – Indicative Timeline

	May	June			July			August
Cabinet and Cab Committees	Cabinet – May 25	Cabinet – June 2 MCR – June 2 ENV – June 4	Cabinet – June 8 Cabinet – June 15	Cabinet – June 22 MCR – June 23 ENV – June 25 Cabinet – June 29	Cabinet – July 6	Cabinet – July 20 ENV – July 23	Cabinet – July 27 MCR – July 28	Cabinet – August 3 ENV – August 6 Cabinet – August 10
Panel reports								
Interim report	End of May							
Complete report				End of June				
<i>Revised report (if needed)</i>					<i>Early-Mid July (note this may push the Cabinet decision out into August)</i>			
MfE Advice								
Confirm timing and approach to finalising report	25 May							
Substantive advice on content of Panel's report					Early July			
<i>Further advice on revised report (if needed)</i>						<i>Mid-Late July (note this may push the Cabinet decision out into August)</i>		
Cabinet process								
Draft for consultation				End of June				
Departmental consultation					Early July			
Ministerial consultation					Early-Mid July			
Finalise draft					Mid July			
MCR				23 June				
ENV <i>(plus contingency)</i>						23 July		6 August
Cabinet <i>(plus contingency)</i>							27 July	10 August
Public release								
Press release / launch event							Late July, asap after CAB	

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RM System Reform: MfE Governance Board

15 June 2020 meeting

Attendees: Janine Smith, Natasha Lewis, Anne Haira, Jeremy Corban, Justin Strang, Kevin Guerin, Michelle Pawson, Lesley Baddon, Simon King

Proposed agenda:

1. Brief overview of the last week (Page 1)
2. Scope and governance: seeking initial feedback (Page 2)
3. Big shifts: seeking feedback and agreement that these are about right (while noting they may change) (Page 4)
4. Results plan (Page 5)
5. For your information, initial staff views on panel report (Page 6)

Potential items to discuss at next meeting

- Discuss approach to engagement and co-design with Māori
- Confirm the objectives/etc the team is running the report through is right.
- What has changed and what it means to this work
- Drawing out further links across MfE

Future discussions

You may wish to discuss these in future meetings (feel free to cross off or add additional items):

- Each of the big shifts, in turn
- Further defining linkages with other MfE work programmes
- Minimal viable scope (eg new RMA, plus spatial planning, and new local government structure, and co-governance)
- (Following the above): Minimal viable cost: where do we draw the line
- What the new system would mean for MfE (role, structure, functions, capability requirements etc)
- Key players: where to direct influence (eg DPMC, Treasury; what external groups and how)
- Durability
- Relevant external governance groups

Item 1: Brief overview of the last week

The week ending 12 June was a busy and positive week for those involved in the Review:

- s 9(2)(f)(iv) [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

Item 2: Scope and governance

The scope of the resource management reform is not yet defined and it will need to be considered over the next few months, resulting in advice to an incoming government. While the Panel

The Resource Management Review Panel's Terms of Reference was constrained to the RMA and key interactions with related legislation, particularly the Local Government Act, Land Transport Management Act and the Climate Change Response Act. Our stewardship role is wider than this.

Key scope question (not seeking to land today; to be explored over coming months)

9(2)(f)(iv)

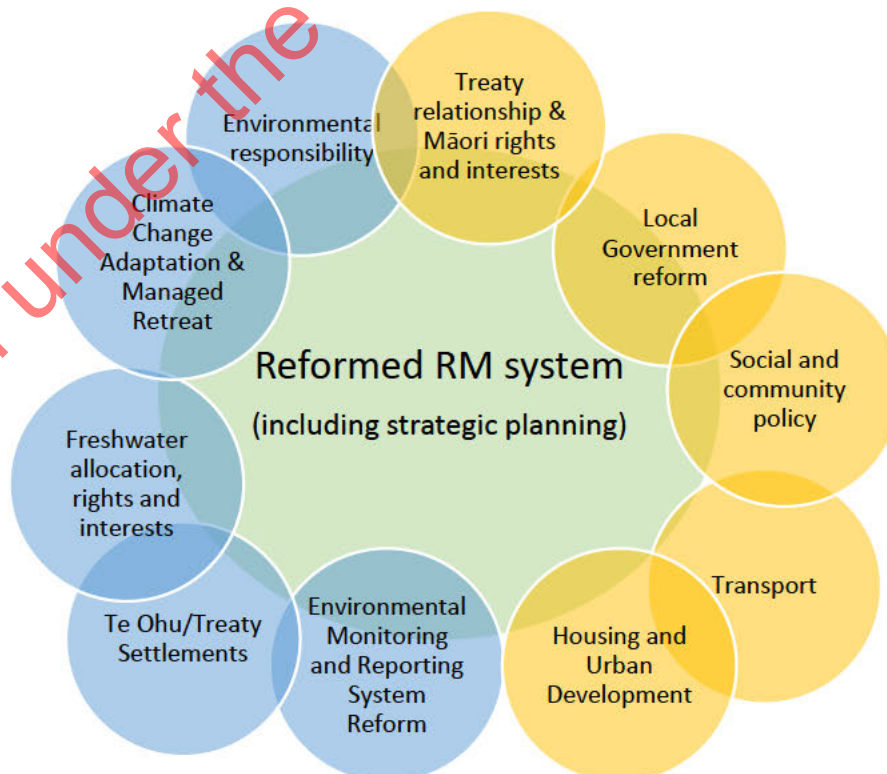
To achieve the 'big shifts' we have assumed:

- that the scope should not be smaller than the Resource Management Review Panel's Terms of Reference
- that the minimum scope should include strategic integrated planning.

To support discussions about scope, presented below is a simplistic diagram centred on a reformed resource management system (green circle) and:

- topics or areas of government work that is beyond MfE's mandate – orange circles
- current MfE work programmes – blue circles.

The centre circle could increase or decrease in size, overlaps with other circles could change, and other circles could be added or removed.



s 9(2)(f)(iv)

[Redacted]

[Redacted]

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

[Redacted]

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Item 3: Big shifts we seek through reformed RM system

Key discussion point: Do you agree with these big shifts? Is anything important missing? Can any be dropped?

s 9(2)(f)(iv)

These will be further developed and tested. They are based on a workshop and several subsequent discussions. We plan to discuss any significant changes (ie those more than minor wording changes) with this governance group.

These are deliberately focussed on “what” we are trying to achieve and not the “how” (ie specific instrument/tool/mechanism). s 9(2)(f)(iv)

Big shifts

- s 9(2)(f)(iv)

The big shifts are the most important directional changes. There are other elements or features of the system that are also essential, including:

- s 9(2)(f)(iv)

Item 4: Results plan

Key discussion point: What are the important elements you want in a results plan?

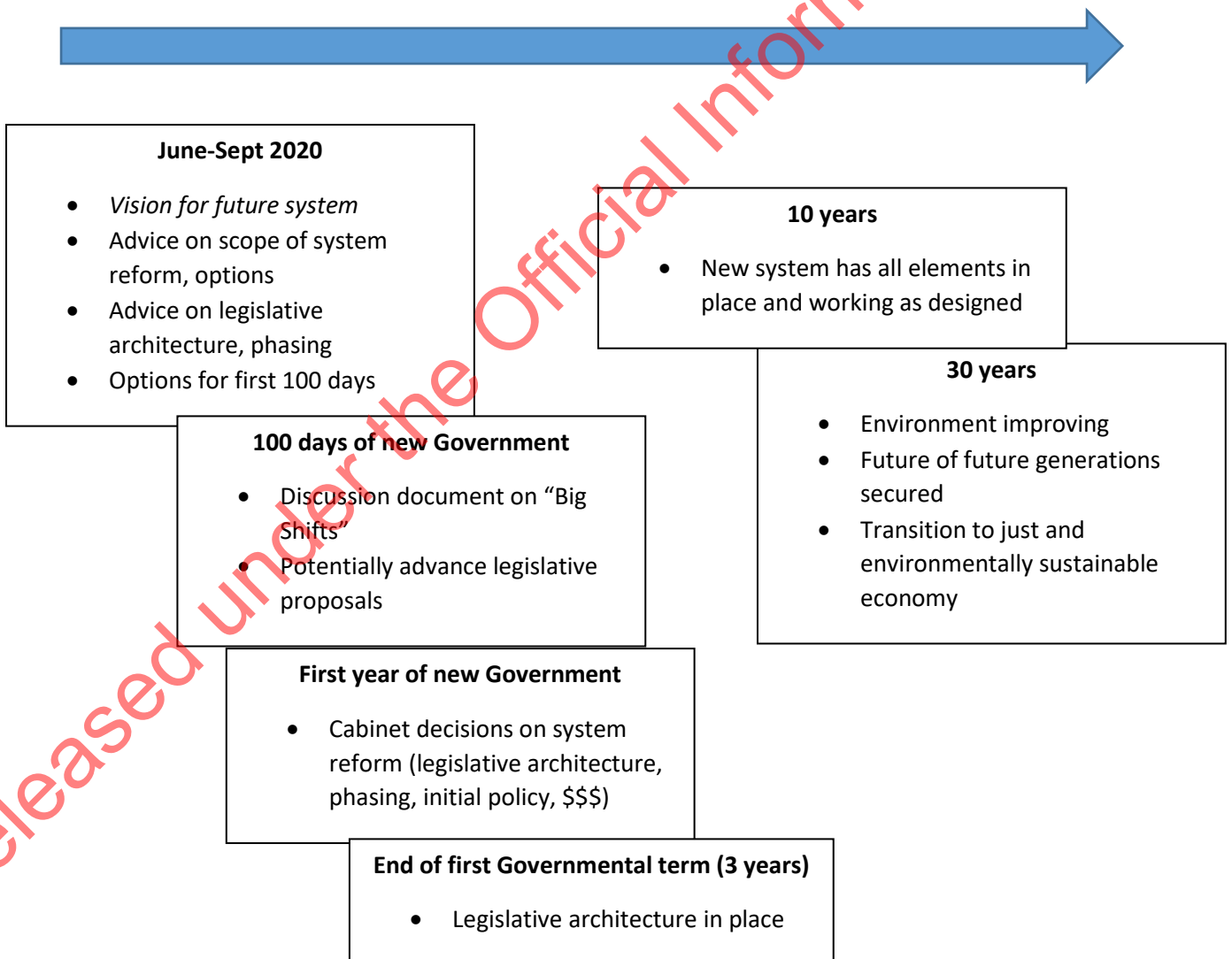
NOTE: This is a high level start that we will update and attach to future meeting papers as it evolves.

The plan is highly dependent on:

- Our work over the next three months
- The scope of reform
- The appetite for reform from an incoming government.

Future versions of the results plan will include:

- What results/outcomes we can expect to see on the ground and when
- Who we need to be influencing, when, to achieve the plan
- Key external and internal inputs
- Key interim milestones



Item 5: FYI: Initial staff views on the Panel's draft report

Approximately 25 MfE staff met for a workshop on 9 June to have an initial exploration of the Panel's draft report. This included people from across NABS (including those who have been supporting the Panel) as well as participation from EMRS project, climate adaptation, water and OCE. The workshop was productive and enjoyable, with planning underway to run a very similar one across MfE that specifically seeks to look at the Panel Report from a Māori outcomes perspective.

9(2)(f)(iv)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

RM Review 10 – MCR report back

Date Submitted:	16 June 2020	Tracking #: 2020-B-06774
Security Level	In-Confidence	

To Hon David Parker, Minister for the Environment	<p>Action sought:</p> <p>Note the talking points in Appendix 1 prepared for MCR on 23 June 2020</p> <p>Discuss with officials your expectations on how we approach working with Māori in the next steps of the review</p> <p>Discuss with Minister Davis inviting those members of MCR who are not also members of ENV to attend ENV on 23 July for the Panel's report</p>	<p>Response by: 18 June 2020</p>
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Actions for Minister's Office Staff	<p>Forward this report to Minister Davis and Minister Mahuta</p> <p>Return the signed report to MfE</p> <p>Invite members of MCR, who aren't also members of ENV, to attend ENV on 23 July (subject to agreement by Minister Davis)</p> <p>Arrange a meeting with officials to discuss an approach to working with iwi/Māori in the next steps of the review.</p>
Number of appendices and attachments #3	<p>Titles of appendices and attachments (ie separate attached documents):</p> <ol style="list-style-type: none"> Talking points for the report back to MCR Letter on the review from Minister Davis Letter on the review from Minister Mahuta

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Author	Connie May Nisbet	0220746321	
Responsible Manager	Kate Sedgley	0220764508	
Director	Lesley Baddon	021738357	✓

RM Review 10 – RM Review Panel engagement with Māori and report to Māori-Crown Relations Committee

Key Messages

- This briefing supports your oral report back to the to the Māori-Crown Relations (MCR) Committee on 23 June 2020. It outlines the process for engagement and key issues and aspirations presented by Māori to the Resource Management Review Panel (the Panel), the Panel's proposed policy responses to those issues (at a high level) and the next steps for Māori engagement on the review process.
- Draft talking points are attached as **Appendix 1**.

Recommendations

3. We recommend that you:

- a. **Note** the talking points in Appendix 1 prepared to support your oral report to the MCR committee on 23 June 2020
- b. **Note** that Ministry for the Environment officials will work with Te Arawhiti to develop any proposals for engagement with Māori for the next steps of the Resource Management Review process
- c. **Discuss** with Ministry for the Environment officials your expectations on how we approach working with Māori in the next steps of the review
Yes/No
- d. **Discuss** with Minister Davis, Minister for Māori Crown Relations and Chair of the MCR Committee inviting those members of the committee that are not members of the Cabinet committee to which you take the Panel's report to attend that meeting
Yes/No
- e. **Forward** copies of this briefing to the Minister for Māori Crown Relations and Minister for Māori Development
Yes/No
- f. **Agree** that this briefing and appendices will be released proactively on the Ministry for the Environment's website once the Panel's Report has been released.
Yes/No

Signature



Lesley Baddon
Director, Natural and Built System:

Date: 15/6/20

Hon David Parker
Minister for the Environment

Date:

RM Review 10 – Resource Management Review Panel engagement with Māori and report to Māori-Crown Relations Committee

Supporting material

Context

1. You have agreed to take an oral item to the Cabinet Māori Crown Relations: Te Arawhiti Committee (MCR) on 23 June 2020 (2020-B-06773 refers) in accordance with the guidelines agreed by Cabinet for ministers and departments involved in contemporary Treaty of Waitangi issues (Cabinet Circular CO (19) 3 refers).
2. The guidelines include a requirement for ministers to report to MCR when they or their agencies are considering changes to policy or regulation intended to specifically improve outcomes for Māori.
3. The Panel has provided you with a draft report and it is appropriate for you to provide an oral report back to MCR ahead of your seeking Cabinet decisions on releasing and responding to the report.
4. The Panel has considered the issues and aspirations presented to them by Māori and has responded to these issues and aspirations within their proposed reforms. Your colleagues will likely want to understand this important aspect of their work before the Panel report is considered by the Cabinet Environment, Energy and Climate Committee (ENV) on 23 July and full Cabinet on 27 July.
5. Draft talking points for this meeting are attached as **Appendix 1**. The talking points provide:
 - an overview of Panel engagement with Māori
 - key messages the Panel heard from that engagement
 - an explanation of next steps, specifically completion of the Panel process and the development of a Crown plan for engagement on future reform work.
6. We propose that, subject to the agreement of the Chair of MCR (Minister Davis), you direct your office to invite any members of the MCR committee who are not also members of the ENV committee to attend the ENV meeting on 23 July where you will seek to publicly release the Panel's report, so that they can be part of a conversation on next steps.

Terms of reference for the Panel and the Panel process

7. The review of the resource management system is of particular interest to Māori. Māori have high expectations for their continued involvement in the reform process due to the significant impact the resource management system has on kaitiakitanga and Māori interests.
8. As the primary vehicle for making decisions around natural and physical resources, the Resource Management Act 1991 (RMA) has a huge impact on how Māori are able to participate effectively in decisions about the resources that are important to them.
9. This has been recognised in the framework of the review of the resource management system. The terms of reference for the Resource Management Review Panel, confirmed by Cabinet (CAB-19-MIN-0585.01 refers), include:
 - ensuring that Māori have an effective role in the resource management system that is consistent with the principles of the Treaty of Waitangi, ensuring appropriate mechanisms for Māori participation in the system, including giving effect to Treaty

settlement agreements, and clarifying the meaning of 'iwi authority' and 'hapū', as key issues the review should address; and

- The Panel's engagement with Māori should support the government's efforts to strengthen Māori–Crown relationships and be consistent with relevant relationship agreements established through Treaty settlements.
10. The Panel is made up of independent experts and has had secretariat support from the Ministry for the Environment (MfE).
 11. You appointed Kevin Prime, an Environment Commissioner with deep knowledge of mātauranga and tikanga Māori, as a member of the Panel to ensure that the Panel was able to draw on skills and perspectives from te Ao Māori.

Analysis and Advice

RM Panel engagement with Māori

12. Due to the condensed nature of the Panel process, engagement with Māori was limited to:
 - using the existing MfE programme of regional hui
 - conversations with pan Māori organisations and iwi with Treaty settlements which the Ministry has agreements with
 - individual experts and commentators
 - your reference groups
 - working groups set up by the Panel
 - submissions to the Panel's consultation document - *Transforming the Resource Management System: Opportunities for Change – Issues and Options* (the Issues and Options paper)
13. You established reference groups to supplement the skills of the Panel. The reference groups related to te Ao Māori – the urban and built environment, and the rural and natural environment (CAB-19-MIN-0585.01 refers). The te Ao Māori reference group met with the Panel to test their proposals at a meeting on 21 January 2020. Another combined meeting was held with the Panel and the other two reference groups split between two days on 4 May and 8 May.
14. In addition, a te Ao Māori working group was established by the Panel to inform the development of their proposals.
15. Despite the consultation process for the Panel's Issues and Options paper occurring during a busy consultation period, the Panel received 14 detailed and comprehensive submissions from iwi/hapū groups and 3 from pan-Māori groups.
16. Over the course of the Panel's process they also met with a number individual experts (including Sir Joe Williams and Dame Anne Salmond) as well as pan-Māori and mana whenua groups representing a range of Māori interests throughout the process, to hear their views and test the Panel's thinking. These groups included:
 - Te Kāhui Wai Māori
 - Ngā Kaihautū Tikanga Taiao (the Environmental Protection Authority Māori Advisory Committee)
 - Independent Māori Statutory Board (established under the Local Government (Auckland Council) Amendment Act 2010)

- Mana Whenua Kaitiaki Forum (for Auckland)
 - Papa Pounamu (technical interest group within NZPI).
17. During February, the Panel travelled around the country attending regional hui, engaging with iwi and hapū. Hui ranged in size from five to 50 attendees. A highlight was the attendance of schoolchildren in Gisborne who were keen to engage in better understanding the resource management system. Regardless of size or composition, the level of engagement was high and insightful about the key issues facing Māori in the resource management system. The feedback (both written and verbal) was valuable in informing the Panel's final recommendations.
 18. The Panel also met with a number of iwi with unique Treaty settlement arrangements that intersect with the RMA and their settlements include particular obligations to engage early on policy. Many settlements have provided a greater role for iwi and hapū in decision-making, offering insights into a variety of working relationships.
 19. The Panel released *Transforming the Resource Management System: Opportunities for Change – Issues and Options* (the Issues and Options paper) in November 2019. In the Issues and Options paper, the Panel identifies the main issues with the system and offers possible ways to address them. The paper concludes each topic with a series of questions for interested parties to consider when submitting a response.
 20. The Issues and Options paper identifies “insufficient recognition of the Treaty and lack of support for Māori participation” as a reason that the current resource management system isn't performing well. It provides a summary of key problems with the current system and questions relating to the recognition of Te Tiriti o Waitangi /the Treaty of Waitangi and te Ao Māori within the system.

Issues and aspirations presented by Māori

21. Key themes emerging from the various engagements with Māori include:
 - the precedence of the protecting and restoring the natural environment, before enabling development or other economic considerations
 - the potential to apply a “Te Mana o te Wai” concept to the whole environment
 - greater recognition of the Treaty of Waitangi in the RM system – particularly develop a Treaty clause that is stronger than the current “take into account”
 - a National Policy Statement (NPS) on the Treaty
 - proper partnerships between Māori at central and local government level
 - the use of spatial (strategic) planning in a new system
 - funding needed for iwi and hapū to participate effectively
 - poor performance by councils in compliance monitoring and enforcement
 - importance of mātauranga Māori, and cultural monitoring in upholding kaitiakitanga
 - the first come first served approach - the current water allocation model is failing Māori and the environment.

Input from the Minister for Māori Crown Relations and the Minister for Māori Development.

22. You invited other ministers to suggest what the review should cover.
23. The issues identified in the letters received from Minister Davis, the Minister for Māori Crown Relations, and Minister Mahuta, the Minister for Māori Development are substantially the same as those identified in hui and submissions. They are referenced in

the Panel's report within their Terms of Reference, alongside other ministerial letters on the scope of the review process.

24. In his response Minister Davis noted that the RMA had not delivered on its potential to involve Māori as Treaty partners and kaitiaki. The Minister made suggestions for the process for the review and for the scope of issues to be covered. Minister Davis recommended that the depth and breadth of Māori interests in the RMA merits the engagement approach provided by the guidelines and framework for Crown engagement with Māori and the principles for building partnerships with Māori agreed by Cabinet¹. He also requested that he join a ministerial governance group to oversee the review.
25. In her response, Minister Mahuta identified the need for the resource management legislation and planning system to provide better outcomes and opportunities for whānau, hapū, iwi and Māori communities and businesses.

The Panel's response

26. The Panel provided you with a draft report on June 8. You have agreed (2020-B-06773) to aim to report to the Cabinet Environment, Energy and Climate Committee on 23 July or 6 August seeking agreement to publically release the Panel's final report
27. The final report will include recommendations for a new system of resource management legislation. The Panel has drawn on the engagement and advice received from Māori to identify issues in the resource management system that their recommendations should address. These are:
 - Lack of recognition and provision for te Ao Māori in the purpose and principles of the resource management system. This also includes issues with the Treaty clause in the current section 8 of the RMA
 - Limited use of the existing mechanisms for mana whenua involvement in the RMA
 - Māori involvement in the resource management system has tended to be at the later stages of resource management processes (resource consents), and there is an opportunity in a new system to provide for a greater role for Māori at the strategic end of the system
 - Lack of monitoring central and local government performance at meeting Treaty obligations
 - Capacity and capability issues for both government (central and local) and Māori to engage on resource management matters, and lack of funding and support for Māori to participate in the system
 - Local authorities and applicants for resource consents can find it difficult to know who the mana whenua in an area are and therefore which mana whenua group(s) to engage with. This often perpetuates the problems above.
28. The Panel recommends a number of remedies for these, including proposals to:
 - amend the purpose and principles of a reformed RMA
 - develop a more integrated approach to ensuring mana whenua involvement in resource management matters
 - require mandatory provision for mana whenua participation on new joint decision making bodies for regional strategy and planning

¹ Cabinet Circular CO (19) 3 - Better Co-ordination of Contemporary Treaty of Waitangi Issues

- provide for greater monitoring and system oversight of performance regarding meeting Treaty obligations
- assist local authorities to identify which mana whenua group(s) with which they should be engaging
- increase support and funding to address capacity and capability issues.

Next steps for the Panel Report

29. The Panel process is drawing to a close. s 9(2)(f)(iv)

■

- providing a copy of the report to members of the te Ao Māori Reference and working groups and meeting with them to discuss the report.

30. The next steps for the Panel report will be to release the report for a “broad, open process for public consultation” (CAB-19-MIN-0585.01 refers). We are currently designing this process, which will include the following (draft) objectives:

- importance of the report is understood
- New Zealand public, iwi /Māori and key stakeholders feel they have been listened to and their views taken into account in the final report
- main findings of the report are clearly articulated, easily accessible and understood by a key sector stakeholders and the New Zealand public
- key influencers have the information they need to provide credible perspectives on the findings of the report
- Iwi\Māori and stakeholders are clear about the next steps in the process and the timeframe around this.

Next steps for the Review

31. s 9(2)(f)(iv)

35. The Panel’s Terms of Reference outline that Cabinet is responsible for making all decisions about how to progress the review findings and, constitutionally, Cabinet is the

body responsible for determining whether potential legislation should be brought before Parliament.

36. It will be important to have clarity about what is entailed and not entailed in the concept of co-design, and where, when and how it should be applied. The Te Arawhiti guidance on Building Closer Partnerships with Māori is a useful tool for supporting officials to do this.
37. The Te Arawhiti principles for all Māori Crown engagement are as follows:
 - i. build the relationship before focusing on the work
 - ii. plan together from the start
 - iii. value each parties' contribution and knowledge
 - iv. ensure outcomes are meaningful to all parties
 - v. be open, be flexible and accept risk
 - vi. shared decision-making.

38. s 9(2)(f)(iv)



Consultation and Collaboration

40. Te Arawhiti were consulted on the proposed approach for the MCR report back process.

Appendix 1

RM Review report back to MCR Cab Committee – Draft talking points

- In November 2019 Cabinet agreed to the scope and terms of reference for a comprehensive review of the resource management system (CAB-19-MIN-0585.01).
- I appointed a Resource Management Review Panel to undertake this work.
- The Resource Management Panel has run their own process to fulfil their Terms of Reference agreed by Cabinet.
- They have developed a report outlining a proposal for a reformed resource management system.
- The Panel's final report will be provided to me by the end of this month (June).
- I will be reporting to the ENV Cabinet Committee to seek release of the Panel's report on 23 July.
- Today I am reporting back to this Committee on the engagement with Māori to date and the key messages the Panel were provided through that engagement.
- The Panel's process reflected the high level of interest by Māori and included:
 - My appointment of Kevin Prime, who has deep knowledge of mātauranga Māori and tikanga Māori to the Panel
 - Inclusion of matters of particular interest to Māori as key issues to be addressed by the Panel in their report
 - Requiring, through the Panel's Terms of Reference, the Panel to engage extensively with Māori while developing the report.
- The Panel released "Transforming the Resource Management System: Opportunities for Change – Issues and Options" in November 2019. In the Issues and Options paper the Panel identifies the main issues to be addressed in the reform process and offers possible ways in which they might be addressed.
- The paper identifies "insufficient recognition of the Treaty and lack of support for Māori participation" as a reason the current resource management system isn't meeting current challenges. It summarises key problems with the current system and poses questions relating to the recognition of the Treaty of Waitangi and te o Māori within the system.
- The Panel sought submissions on the Issues and Options paper to better understand the issues and aspirations of Māori for the objectives of the review.
- The Panel received 14 submissions from mana whenua groups and 2 from pan-Māori groups on the Issues and Options paper.
- The Panel provided a broad opportunity to meet and discuss the Issues and Options paper. This included 12 regional hui with Māori in February 2020. It also undertook specific hui with Treaty partners who have particular obligations to engage early on policy built into their Treaty settlements.
- The Panel also met key individuals and groups on various occasions to discuss the issues test their proposals including with:
 - Te Kāhui Wai Māori
 - Ngā Kaihautū Tikanga Taiao (the Environmental Protection Authority Māori Advisory Committee)

- Independent Māori Statutory Board for Auckland
- Mana Whenua Kaitiaki Forum for Auckland
- Papa Pounamu (NZPI technical interest group)
- Sir Joe Williams
- Dame Anne Salmond.
- Feedback from submissions and regional hui highlighted the following key points –
 - Māori do not support balancing economic considerations with the environment. The environment should be the primary consideration for the system
 - There was support for an approach that applies a Te Mana o te Wai-type framework to the whole environment
 - Recognition of the Treaty should be increased in the new RM system, including a Treaty clause that is stronger than the current “take into account”
 - a National Policy Statement (NPS) on the Treaty should be developed
 - Māori want to see a true partnership within the system both at central and local government level
 - Support for the use of spatial planning in a new system.
 - Funding is a major barrier to Māori to participation in the system
 - The current model is resource intensive for Māori and not effective
 - Māori do not consider that councils are doing a good job in compliance monitoring and enforcement
 - Mātauranga Māori is key and cultural monitoring is an important aspect of upholding kaitiakitanga
 - The water allocation model is failing for Māori and the environment and a move away from a first come first served regime is supported.

- s 9(2)(f)(iv)

[REDACTED]

-

[REDACTED]

- The detail of the engagement approach with Māori as part of the next steps of the review process is still being developed.

- s 9(2)(f)(iv)

[REDACTED]

- I will report back again with appropriate detail once Cabinet has considered the final report from the Panel and decisions are sought on next steps.

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Hon Kelvin Davis

MP for Te Tai Tokerau

Minister for Māori Crown Relations: Te Arawhiti

Minister of Corrections

Minister of Tourism

Associate Minister of Education



27 AUG 2019

Hon David Parker
Minister for the Environment
Parliament Buildings
Private Bag 18041
WELLINGTON 6160

By email: d.parker@ministers.govt.nz

Tēnā koe David

This letter responds to the recent invitation from Cabinet to write to you with specific issues that fall within scope of the comprehensive review of the Resource Management Act 1991 (RMA) you recently announced.

I support your proposal to tackle the core problems in the resource management system. Reducing complexity and protecting the environment are important objectives and well aligned with Māori interests. On their own however these objectives are insufficient to address other fundamental problems for Māori under the RMA.

When the RMA was enacted it was widely seen as an opportunity for Māori to be more effectively involved as Treaty partners and kaitiaki in resource management. That promise has not been consistently delivered through the implementation of the RMA. Māori have consequently turned to Treaty settlements, which have produced positive but varying outcomes. The upcoming review is an opportunity to avoid the implementation problems of the RMA and to systematically build upon the progress made through Treaty settlements. The need for Māori to be better involved in decision-making under the RMA was a key theme when I consulted on the scope of my portfolio.

I am pleased that the review will uphold the core principles in part 2 of the RMA. They represent some of the Crown's most progressive provisions for meeting its Treaty responsibilities in legislation. However, the policy intent of these provisions has not always been realised. The current framing of the review raises doubts that this will be directly addressed. I recommend the final scope and terms of reference require the review to realise the intent of the core principles as they relate to Māori interests.

It will be crucial for the policy proposals developed by the review group to reflect the government's current efforts to strengthen Māori Crown relationships. The review group must therefore include members with appropriate expertise in te ao Māori, as you intend. However, the appointee(s) will not have a mandate to speak for all Māori. I recommend the final terms of reference be explicitly amended to require the review group's proposals to be consistent with the Crown's duties as a Treaty partner. I also recommend you establish a Māori reference committee to assist the review group.

I am heartened that relevant aspects of Treaty settlements will be carried over in any new regime. This work will be complex but critical for ensuring the durability of settlements. I look forward to my officials working closely with the review group on this matter.

The review group's approach to engagement with Māori is not yet finalised. Given the depth and breadth of Māori interests in the RMA, the engagement approach needs to align with the guidelines and framework for Crown engagement with Māori and the principles for building partnerships with Māori agreed by Cabinet. This will require broader and more collaborative engagement with Māori than currently proposed. It will also be important for the engagement to be consistent with relevant relationship agreements established through Treaty settlements. I therefore recommend you engage with post settlement governance entities on the scope of the review.

The table below includes further information on specific issues relevant to my portfolio. Given the significance of these issues, I ask that you add me to the Ministerial governance group to oversee the review and instruct your officials to undertake a complete stocktake of issues for Māori under the RMA. At the appropriate time I also ask that you report to the Cabinet Māori-Crown Relations: Te Arawhiti Committee on the issues for Māori arising from the review, as required by the Cabinet Office circular CO (19) 3 - *Better Co-ordination of Contemporary Treaty of Waitangi Issues*.

I appreciate the need for a focussed and efficient review of the RMA and I am confident that the issues raised in this letter can be addressed without delaying the review unduly.

Thank you for progressing this difficult but vitally important work. I look forward to the next phase.

Nāku noa, nā



Hon Kelvin Davis
Minister for Māori-Crown Relations: Te Arawhiti

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Comprehensive RMA review – engagement issues for Māori Crown relations

The process for the review should:

1. Be consistent with Cabinet's engagement framework/guidelines for engagement with Māori and principles for building closer partnerships which, in light of the significance of the kaupapa, would require collaboration at multiple levels of Māori society.
2. Be consistent with the Cabinet Office circular (19) 3 - *Better Co-ordination of Contemporary Treaty of Waitangi Issues*.
3. Support the whole of government strategy that Cabinet has decided to develop in response to the Waitangi Tribunal's WAI 262 report.
4. Take into account work already completed on issues for Māori in resource management (including relevant reports from Waitangi Tribunal, the Iwi Leaders Group, and Kāhui Waitangi).

Comprehensive RMA review – policy issues for Māori Crown Relations

The review group's proposals should:

1. Reinforce the significance of sections 6(e), 7(a) and 8 and provide mechanisms to ensure they are appropriately implemented.
2. Encourage partnership arrangements between Māori and agencies/local government especially in relation to planning processes.
3. Provide mechanisms for promoting the uptake of arrangements under sections 33 and 36B.
4. Include procedural principles to reinforce requirements for Māori to be involved in decision making where their rights and interests are affected.
5. Address barriers which prevent fair access for Māori to natural resources (including freshwater, coastal space etc).
6. Require robust monitoring and enforcement of local government performance in relation to Māori involvement in resource management.
7. Effectively accommodate Māori land tenure.
8. Clarify the role and status of iwi management plans.
9. Ensure the durability of Treaty settlements and the integrity of the Marine and Coastal Area (Takutai Moana) to 2041 are actively supported.
10. Remove barriers to effective Māori participation on hearing committees.
11. Enable more effective participation of Māori Land Court judges in Environment Court proceedings where appropriate
12. Be well integrated with other national direction relating to Māori interests.
13. Promote capacity and capability building for Māori in resource management processes.

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Hon Nanaia Mahuta



MP for Hauraki-Waikato

Minister for Māori Development

Minister of Local Government

Associate Minister for the Environment

30 JUL 2018

Hon David Parker
Minister for the Environment
Parliament Buildings

Tēnā koe David

Hau karioi ki Raukawa Moana, hau ai noa ki Te Whanganui ā Tara. Whātoro whakamātau, whakaneinei atu, whakatetonga. Nei rā aku mihi; tēnei ka hāro atu, tēnā ka hāro atu.

Taiope noa te au o aituā, te aupounamu ki te Honoiwairua. Taiea noa ko tā au mauri nei, hāpai ake ai, i te pūkainga kaupapa i waihotia mai.

Thank you for the opportunity to consider the proposed staged approach to resource management and planning system reform from the perspective of my Māori Development and Local Government portfolios.

First stage RMA reform

I support your proposals for a Resource Management Amendment Bill to be introduced in 2018. They will address a number of my concerns around the 2017 RMA amendments that could adversely impact public participation and local decision-making. In particular, I support reducing the limitations that the 2017 RMA amendments placed on notification and appeals, and removing powers established in the 2017 RMA amendments that may undermine local decision-making. I also support improving the compliance and enforcement mechanisms in the RMA.

Second stage RMA reform

I support that all reform to the resource management system must uphold Part 2 of the RMA, provide for local decision-making and public participation opportunities, and achieve good environmental outcomes.

I consider that any future reform to the resource management and planning system should take the opportunity to provide better outcomes and opportunities for whānau, hapū, iwi, and Māori communities and businesses.

Please find below a list of issues and opportunities associated with Māori interests in the resource management system which you could consider as part of the second stage RMA reform.

General environmental issues

1.	Ensuring that Māori have a more effective and influential role in the resource management and planning system that: <ul style="list-style-type: none">a. Recognises and provides for their role as kaitiakib. Provides for partnership arrangements between Māori and other agencies in the management of natural and physical resourcesc. Ensures active protection of resources and areas of cultural significance to Māori.
2.	Addressing planning and consenting barriers to building on Māori land: <ul style="list-style-type: none">a. Many councils do not specifically provide for papakāinga in their district plans. This could be a requirement through a range of optionsb. District plans have differing frameworks and rules for Māori which are difficult for whānau, hapū and iwi to interpret and comply with, and some are overly restrictivec. Lack of expertise among some council officers to effectively engage with Māori when making decisions that affect how Māori land can be used.
3.	Assessing the role and status of iwi management plans in the context of the Waikato Whakahoā ā Rohe and other partnership agreements in a post-settlement context.
4.	Clarifying the term iwi authority in the RMA and how the Crown supports local authorities to determine who are the appropriate iwi authorities within their region or district.
5.	More effective implementation of the clear directives in sections 6(e), 7(a) and 8 of the RMA to recognise and provide for Māori interests through policy statements, plans and decisions on resource consents.
6.	Ensuring the planning system is agile, effective and equitable in providing for Māori interests and responding to future states, including changing water rights, interests and allocations; changing biodiversity values, and the transition to a low carbon economy.

Whenua Māori environmental issues

7.	Greater recognition of rangatiratanga in the planning system. Ensuring Māori can use their land for their own purposes. Need to balance any increase in environmental regulation with the need to provide rangatiratanga in accordance with Te Tiriti o Waitangi. There should be no increase in regulation and restrictions on Māori land but rather the existing barriers need to be removed.
8.	Ensuring the planning system complements the Whenua Māori work programme to enable Māori landowners to use their land how they wish.

Whānau Wellbeing and Māori Growth environmental issues

9.	Reviewing development contribution applicability and potential exclusions for papakāinga developments and other developments on Māori land.
10.	Addressing overlaps in the land development system which frustrate and/or slow whānau or hapū land developments: <ul style="list-style-type: none">a. Better alignment and certainty when applying for resource consents (or other permits) from different authoritiesb. Better alignment and certainty between the resource and building consent processes.

I look forward to discussing these issues and opportunities for the second stage RMA reform further with you. Ngā mihi nui ki a koe.

Nāku noa, nā



Hon Nanaia Mahuta
Te Minita Whanaketanga Māori

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Update on the Resource Management Review for Built and Urban System and Sustainability Deputy Chief Executives, 24 June 2020

To: Built and Urban System and Sustainability Deputy Chief Executives

From: Ministry for the Environment

Date: 19 June 2020

Security level: In Confidence

Priority: Medium


Purpose

1. This paper provides a further update on the comprehensive review of the resource management system and initial thoughts on how the Built and Urban System and Sustainability Deputy Chief Executives (DCE) and Chief Executives (CE) group can help progress the next phase of the review.

Background

2. Our previous paper to this group focused on a work plan to progress the following priority

s 9(2)(g)(i)



3. Immediately prior to the COVID-19 lock down, agencies held a workshop on these priority areas. MfE also prepared short summary papers on the priority issues to inform DCEs and CEs and to support more in depth discussions.
4. However, owing to the disruption caused by COVID-19 this work has not progressed as far as previously planned. Agencies are still to fully explore their positions on these issues and where there are preferred options.

1 s 9(2)(g)(i)



Update on the resource management review

5. The Resource Management Review Panel (the Panel) has also been slightly delayed by COVID-19 and will now deliver their final report to the Minister for the Environment at the end June.
6. We expect that the Panel's report will address the key issues in their terms of reference and most of the matters raised by Ministers, either in full or in part. The report should also provide a number of proposals to address the priority areas identified by DCEs/CEs.
7. Minister Parker does not intend to distribute the Panel's report prior to its release. Instead, he intends to take a short paper to Cabinet on 27 July noting his intention to publically release the Panel's report before the House rises on 6 August (date TBC). Decisions on how to progress the report will be made by the incoming government.

Potential role of BUS and Sustainability DCEs/CEs in the next phase of the review

8. Overall, we anticipate that the Panel's report will provide a constructive starting point for a national conversation on the future of the resource management system.
9. It should also provide a good platform for central government agencies to work together. In particular, work on developing a strategic/spatial planning framework will require close involvement from multiple agencies, as well as local government and Māori.
10. A key question for the incoming government will be how they approach resource management reform, and how that is phased and transitioned. In the post-COVID context some parts of reform may take on a greater priority in order to support the economic recovery.
11. A large amount of work will be needed to progress the next phase of the review and there will be options for DCEs and CEAs about how they are involved. To support this we intend to set up a cross-agency directors group that will report to BUS and Sustainability DCEs/CEAs and help communicate and potentially co-resource the project across agencies.
12. We recommend DCEs and CEAs have more detailed conversations at future meetings about the Panel's report and the opportunities it creates to work together during the next phase of resource management reform.

RM Reform: MfE Governance Board

24 June 2020 meeting

Attendees: Janine Smith, Natasha Lewis, Jeremy Corban, Kevin Guerin, Michelle Pawson, Lesley Baddon, Simon King, Justin Strang

Proposed agenda and papers:

1. Highlights of the last week – for information (and discussion if any questions/concerns)
2. Draft Governance Board Terms of Reference – for discussion and decision
3. Environmental responsibility framework – for information and discussion
4. Contemporary legislative design – for information as requested and discussion
5. Objectives for future system – for discussion and decision
6. Agenda for next meeting – for discussion
Key points and actions from 15 June meeting

Item 1: Highlights of the last week

s 9(2)(f)(iv)

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s 9(2)(f)(iv)

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s 9(2)(f)(iv)

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s 9(2)(f)(iv)

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The following two items follow on from discussions at the 15 June meeting. s 9(2)(f)(iv)

[Redacted]

Item 3: Environmental responsibility framework

s 9(2)(f)(iv)
[Redacted]

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Item 4: Contemporary legislative design

Purpose: Information as requested and discussion

A discussion needs to happen to consider the pros and cons of a combined legislative package for this work. In order to have this discussion there needs to be more clarity around the design of the resource management system.

Simon King has proposed the RM Review and environmental responsibility teams get together to agree definitions, and some first principle objectives, as this will enable a foundation for future discussions about different ideas.

We expect to bring a paper on high-level legislative design and phasing options in August, to feed into our advice to an incoming Government.

s 9(2)(f)(iv)

SSC's approach to contemporary legislative design

At your meeting 15 June, Michelle raised an upcoming conversation with SSC on their recent approach to contemporary legislative design. The following is an overview of relevant points from that discussion, as requested.

The Public Service Legislation Bill provides a modern legislative framework to achieve a more adaptive and collaborative public service, unified by a common purpose and ethos.

SSC has sought to keep the core of the Bill neat and tidy, shifting operational and technical matters associated with the core to Schedules. The core focusses on what the public service is, why it is important, core values, focussed on defining the public service, its values, and who works inside it. The eleven Schedules can be seen as guidebooks that get into detail such as what the specific people do, functions and powers of chief executives, how CEs are appointed, etc.

This approach seeks to have a stable core to the legislation, with detail and aspects that are more likely to need to change included in the Schedules.

The discussion highlighted the following points relevant to the RM system reform:

- Early consideration of how legislation is designed (including use of secondary and tertiary instruments) can be helpful to ensure legislation can simultaneously have durability and appropriate flexibility.
- While Parliament can always change laws, something expressed in the core legislation can be seen to have a higher threshold for change than something in secondary or tertiary
 - Using the example of a proposed Natural and Built Environment Act, including clauses in the primary legislation on how the principles of Te Tiriti will be given effect through functions and powers exercised under the Act, may endure for longer than if it were to be specified through a tertiary instrument such as a national policy statement under the RMA.
- SSC has focussed on what they put in the core of primary legislation versus in schedules of that legislation. s 9(2)(f)(iv)

- s 9(2)(g)(i) [redacted]
Advantage of being explicit about values and how they flow through the legislation is that it enables future generations to more easily and neatly change the legislation should core values change.

Based on the discussion, for the RM system reform we will look to:

- explore legislative design options from now, and be ready to advise a new Government
- bring in a lawyer to the programme at this earlier stage, as part of exploring high level legislative design options over the next few months
- s 9(2)(f)(iv) [redacted]

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Item 5: Objectives for future system

Purpose: For discussion and agreement that these are correct to be used for the next phase of work.

Please find below the objectives, principles and criteria that are proposed to be used to guide reform of the resource management system. MfE developed these to support the Resource Management Review Panel's work and have revisited them. They have proved useful and we are currently assessing the Panel's proposals to see how well the proposals perform against these.

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Objectives, principles and criteria to guide reform of the resource management system

Objectives

A system that:

- Protects and enhances ecosystems and the natural environment
- Enables a productive development of the natural and built environment and effective provision of public goods, within ecosystem limits
- Sets clear direction to guide decision-making
- Establishes long term, strategic and integrated planning for development and the environment
- Provides greater recognition of the Treaty of Waitangi and te ao Māori throughout;
- Is responsive to change, risk and evidence
- Functions and processes are efficient, effective and proportionate
- Decision-makers in the system are accountable, well advised and incentivised to achieve the system's purpose

Principles

- Stewardship and kaitiakitanga: Protecting and enhancing the environment for its own intrinsic value, as well as for the wellbeing of current and future generations
- Fairness: The system promotes fair distribution of costs and benefits across generations, communities and iwi/Māori
- Subsidiarity and capacity: Roles and responsibilities are assigned to the appropriate people/agencies in relation to issue scale and complexity, who is affected, and capability and capacity to effectively deliver roles and responsibilities
- Wellbeing: The system enables effective use, allocation and development of the natural and built environment to provide for the wellbeing of current and future generations
- Treaty of Waitangi: The relationship between the Crown and Māori is given due recognition including through the principles of partnership and active protection
- Well informed decisions and public participation: Decision makers are well informed about the impacts, including informed by people affected more than the public at large
- Flexibility and innovation: The system should be open and responsive to new technology and change, and enable innovation
- Practical considerations: Proposals for reform achieve the review's objectives, are workable in practice and cost effective

Practical criteria

- How effective is this option/choice likely to be in achieving objectives of reform and resolving problems? Is it consistent with the guiding principles?
- Is this option/choice likely to be workable in practice? What are the potential unintended consequences?
- How cost effective is this option likely to be eg, including carrying over parts of the RMA that work well and minimising unnecessary disruption?
- How possible is this option in the current and expected COVID-19 economic and social context?

Item 6: next meeting

Purpose: Confirm next meeting date and agree draft agenda

Proposed items for next meeting:

- s 9(2)(f)(iv)

- Anything else?

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Key points and actions from 15 June meeting

Attendees:

Janine Smith, Natasha Lewis, Jeremy Corban, Kevin Guerin, Michelle Pawson, Lesley Baddon, Simon King, Justin Strang, Dave Karl (support)

Key points

- s 9(2)(f)(iv) [Redacted]

s 9(2)
(f)(iv)

- [Redacted]

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- s 9(2)(f)(iv) [REDACTED]
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RM Review 11 – Final Resource Management Review Panel report

Date Submitted:	30 June 2020	Tracking #: 2020-B-06775	
Security Level	In-confidence	MfE Priority:	Urgent

	Action sought:	Response by:
To Hon David Parker, Minister for the Environment	<p>Agree to undertake Ministerial consultation on the attached draft Cabinet paper, and its associated appendix, in the week commencing 6 July 2020</p> <p>Agree to take the final Cabinet paper to ENV Committee on 23 July 2020</p>	6 July 2020

Actions for Minister's Office Staff:	<p>Distribute the attached version of the Cabinet paper, subject to any further changes the Minister may have, to begin formal Ministerial consultation as and when directed by the Minister.</p> <p>Return the signed briefing to MfE.</p>
Number of appendices: 3	<p>Title of appendices:</p> <ol style="list-style-type: none"> How the Panel addressed issues in its terms of reference The extent to which other Ministers' issues have been addressed Draft Cabinet paper for the public release of the Panel's report

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
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RM Review 11 – Final Resource Management Review Panel report

Purpose

1. This briefing outlines how the Resource Management Review Panel (the Panel) has met its terms of reference, addressed issues raised by your Ministerial colleagues, and has incorporated the additional information you requested in May 2020.
2. This briefing also recommends that you take a paper to Cabinet noting your intent to publicly release the Panel's report. A draft Cabinet paper is attached as Appendix 3.

Context

You established a Panel to report on proposals to improve resource management

3. Cabinet agreed to undertake a comprehensive review of the Resource Management Act 1991 (RMA), to be led by an expert advisory group (the Panel) on 1 July 2019 [ENV-19-MIN-0036 refers].
4. You issued a draft terms of reference for the Panel on 24 July 2019. The main deliverable specified in the terms of reference was a report to you, recommending how to improve the resource management system and strengthen spatial planning. The report was required to address a list of issues set out in Appendix 1 to the terms of reference.
5. You appointed a panel of five experts, with the Hon Tony Randerson QC as chair¹, in September 2019. The terms of reference were finalised and approved by Cabinet on 11 November 2019.
6. On 7 May 2020 you requested that the Panel consider and incorporate additional advice into their report. The advice you requested concerned:
 - a. competitive urban land markets
 - b. value capture
 - c. local authority accountability.

Comment

The Panel has met its terms of reference and other obligations

The Panel has met its terms of reference

7. The Panel has addressed all 27 key issues set out in Appendix 1 of their Terms of Reference. More detail on how the Review Panel addressed these issues is provided in Appendix 1 to this briefing.

The issues raised by your Ministerial colleagues have been addressed in whole or in part

8. Between July and October 2019 you received letters from your Ministerial colleagues which outlined the issues that they wanted the Panel to address. You received letters from the Ministers of Climate Change, Conservation, Corrections, Defence, Education, Energy and Resources, Health, Local Government, Māori Crown Relations, Māori Development, and Transport. You also received a letter from Housing and Urban Development Ministers.

¹The other members being Rachel Brooking, Dean Kimpton, Amelia Linzey, Raewyn Peart and Kevin Prime.

9. The Panel has considered all 50 issues raised by Ministers, with all but two addressed (in whole or in part) in the Panel's report. An assessment of how the Panel has addressed each of these 50 issues is provided in Appendix 2.
10. The two matters not covered in the Panel's report are technical matters relating to:
 - a. the treatment of reverse sensitivity²
 - b. which Ministers can enter or join appeal proceedings in the national interest.³
11. Reverse sensitivity is best addressed when plans and plan changes are prepared. The Panel's proposals for increased national direction, spatial planning and combined plans would all assist in managing reverse sensitivity issues.
12. Whether any other Ministers should be able to join appeals is a matter of detail we consider can be considered at a later stage of the policy process.

The further advice you requested in May 2020 has been incorporated

Competitive land markets through regulation responsive to price signals

13. The additional advice you requested on competitive urban land markets is discussed in chapter 11 of the report (Allocation of resources and economic instruments).
14. The Panel defines competitive urban land markets as those which are well planned and well regulated and in which any possible economic rents that might accrue to existing owners are bid away through the ample supply of alternative opportunities for development.
15. In addition to recommendations in other chapters of the report (such as those covering planning), the Panel suggests competitive urban land markets could be better facilitated through:
 - a. greater use of land price data and analysis to inform decision-making and signal when changes are required to regulation
 - b. ensuring new development capacity is targeted to high demand areas rather than indiscriminately trying to flood the market with housing
 - c. ensuring a flexible approach to land use regulation design so that it can be more responsive to changes in local land prices.
16. The Panel also recommends making greater use of a range of tradable development rights to allocate limited development capacity (including costly infrastructure) to where it is most valued.

Value uplift through a form of targeted rate

17. In chapter 11 of the report the Panel notes that value uplift approaches, such as councils levying a charge on an increase in land value, have already been discussed in depth by the Productivity Commission. The Panel considers enabling councils to levy a charge on value uplift from infrastructure investment would be helpful to address infrastructure funding issues that limit the development capacity of land.
18. The Panel proposes that value uplift be captured through a targeted rate which may be designed to only capture an increase in land use over a specified threshold. This would require an extension to existing council rating powers that currently allow for targeted rates,

² The situation whereby an existing activity with existing effects creates a nuisance for a more recently established activity which then objects to the existing use (new housing in the vicinity of a quarry or airfield, for example).

³ At present, the Attorney-General (on public interest grounds) and the Minister for the Environment can be a party to proceedings in the Environment Court.

but do not allow such rates to be charged solely on the basis of an increase in land value. The report recommends that further work be carried out to enable this to happen.

Local authority accountability through an array of measures

19. The Panel has incorporated an array of local authority accountability and oversight measures into its report proposals. These include:
- a. the carry-over of existing powers of the Minister for the Environment under RMA sections 24A to 28. These sections allow the Minister to undertake investigations of council performance under the RMA, require information, appoint commissioners to exercise functions of councils, or make grants or loans to councils
 - b. retaining appeals to the Environment Court on certain consent decisions and on decisions on combined plans where the recommendations of an independent hearing panel were not adopted
 - c. retaining judicial review and appeals to the High Court on points of law
 - d. specific system oversight and council combined plan auditing roles for the Ministry for the Environment
 - e. an expanded role for the Parliamentary Commissioner for the Environment in auditing and reporting on the functioning of the resource management system
 - f. the role of the National Māori Advisory Board in monitoring and reporting on how well central and local government fulfil their obligations to Māori
 - g. regional compliance, monitoring and enforcement hubs that can make enforcement decisions independently of individual councils (avoiding the conflict of interest issues that occur when councils need to take action against themselves)
 - h. implementation agreements arising out of spatial strategies.
20. Mechanisms for holding council controlled organisations (CCOs) accountable to their parent councils sit within the Local Government Act 2002⁴. The Panel's report contains an expectation that commitments made by councils as part of implementing spatial strategies would be reflected in CCO statements of intent.

Next Steps

21. We recommend that you take a paper to the Cabinet Environment Committee on 23 July 2020 noting your intent to publicly release the Panel's report.
22. In order to lodge the Cabinet paper (attached as Appendix 3) by 16 July 2020, there will be time for one week of consultation with Ministerial colleagues (during the week commencing Monday, 6 July 2020).
23. We are also working with your office on a potential launch event shortly after Cabinet meets on 27 July 2020, but before the House rises on 6 August 2020. We recommend that you proactively release the Cabinet paper shortly after the launch.

⁴ Sections 64, 64A, 64B and 65 of the Local Government Act 2002 require CCOs to prepare and adopt statements of intent, give councils the ability to require CCOs to prepare plans, enable councils to prepare statements of expectations with which the CCO must act consistently, and require councils to monitor CCOs.

Recommendations

24. We recommend that you:

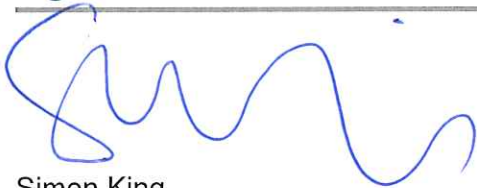
- a. **Note** that the Resource Management Review Panel has met its terms of reference and has addressed or partly addressed all the issues raised by other Ministers in their letters to you
- b. **Note** that the Resource Management Review Panel has incorporated into their final report the additional information you requested on land markets, value-uplift, and council accountability
- c. **Agree** to undertake Ministerial consultation on the attached draft Cabinet paper, and its associated appendix, during the week commencing 6 July 2020

Yes/No

- d. **Agree** to take the final Cabinet paper to ENV on 23 July 2020, and Cabinet on 27 July, noting your intent to publicly release the final report of the Resource Management Review Panel.

Yes/No

Signature



Simon King
Director
Natural and Built System

30/6/20

Hon David Parker
Minister for the Environment

Date

Appendix 1: How the Panel addressed issues in the Terms of Reference

Aspect of RMA	Key issues	Comment
Objectives and alignment	<ul style="list-style-type: none"> o Removing complexity from the RMA and the resource management system generally. o Improving environmental outcomes, including through strengthening environmental bottom lines, and further clarifying Part 2. 	<p>ADDRESSED: The report recommends replacing the existing RMA with the NBEA, supported by the SPA and MRCCAA for specific range of matters. Within the NBEA planning and consenting processes have been consolidated and simplified, and national direction roles and processes have been clarified and consolidated.</p> <p>ADDRESSED: Outcomes and environmental limits [bottom lines] are central to the new purpose and principles sections in the NBEA which are a parallel to the current RMA Part 2. The setting of environment limits for biophysical resources (water, soil, air, biodiversity) through national direction is proposed to be mandatory.</p>
	<ul style="list-style-type: none"> o Recognising objectives for growth, development and change (including capacity for housing and urban development and infrastructure networks and projects in cities, towns and regions). 	<p>ADDRESSED: A new purpose and principles part (to replace RMA Part 2) proposes that specific outcomes for built environments be provided for. These outcomes include:</p> <ul style="list-style-type: none"> o the sustainable use of the environment in urban areas including the capacity to respond to growth and change o the availability of development capacity for housing and business purposes to meet expected demand.
	<ul style="list-style-type: none"> o Considering how to effectively identify and address cumulative effects. 	<p>ADDRESSED: A new definition of cumulative effects has been developed and the consideration of cumulative effects is required.</p>
	<ul style="list-style-type: none"> o Ensuring the system has sufficient resilience to manage risks posed by climate change and other natural hazards and is responsive to future challenges and pressures. 	<p>ADDRESSED: Chapters 2, 6 and 7 of the report propose that climate change adaptation and mitigation, and the reduction of risks from natural hazards be outcomes that must be provided for. As outcomes, national direction must be issued on mitigation and adaptation. National direction can include the use of nature-based solutions as methods (if desired).</p> <p>Chapter 6 also proposes:</p> <ul style="list-style-type: none"> o that regional spatial strategies address climate change mitigation, adaptation and natural hazard risk reduction as informed by plans prepared under the Climate Change Responses Act o a new Managed Retreat and Climate Change Adaptation Act that will provide powers and funding mechanisms to address the effects of climate change and reduce risks from natural hazards.
	<ul style="list-style-type: none"> o Considering an explicit ability to restore or enhance the natural environment. 	<p>ADDRESSED: Incorporated into new purpose and principles part to replace RMA Part 2.</p>



<ul style="list-style-type: none"> o Considering principles, systems, roles, and processes for resource allocation. 	<p>ADDRESSED: The report proposes that the current allocative functions of the RMA be retained, but be guided by new allocation principles contained in a specific part of the NBEA. Allocation is proposed to be by way of a mix of regulator and market-based mechanisms (such as tradable rights and permits), supported by shorter consent duration periods and stronger review provisions.</p>
<ul style="list-style-type: none"> o Aligning land use planning and regulation with infrastructure planning and funding, including through spatial planning. 	<p>ADDRESSED: The report proposes a new Strategic Planning Act requiring spatial strategies to be prepared, which are to align land use planning, infrastructure and funding. It is proposed that combined plans under the NBEA must be consistent with spatial plans, as would be infrastructure related plans under the LTMA and LGA.</p>
<ul style="list-style-type: none"> o Considering whether or not to separate statutory provision for land use planning and environmental protection. 	<p>ADDRESSED: Separation of land use planning and environmental protection legislation was considered but rejected. There are separate outcomes for the natural and built environments identified in the purpose and principles part of the NBEA.</p>
<ul style="list-style-type: none"> o Considering whether there should be overarching principles for the resource management system and where these should be located. 	<p>ADDRESSED: Overarching principles are incorporated into new purpose and principles sections of NBEA which would replace RMA Part 2.</p>
<ul style="list-style-type: none"> o Considering how the RMA can support emissions reductions (mitigation) and climate resilience (adaptation). 	<p>ADDRESSED: Climate change mitigation and adaptation is incorporated into outcomes that are to be provided for, national direction, and the proposed spatial strategies and combined plans.</p>
<ul style="list-style-type: none"> o Ensuring that the RMA aligns with the purpose and processes outlined in the Climate Change Response (Zero Carbon) Amendment Act (once passed). 	<p>ADDRESSED: Chapter 2 of the report recommends climate change mitigation and adaptation be incorporated into the purpose and principles sections of the NBEA and into mandatory national direction. Climate Change Response Act plans inform national direction, spatial strategies and combined plans.</p>
<ul style="list-style-type: none"> o Ensuring that Māori have an effective role in the resource management system that is consistent with the principles of the Treaty of Waitangi. 	<p>ADDRESSED: Chapters 3, 4, 7, 8, 9 and 12 propose specific roles for Māori in developing national direction, preparing spatial strategies and regional combined plans, consenting, monitoring and oversight of the resource management system (the latter via a new National Māori Advisory Board).</p>
<ul style="list-style-type: none"> o Considering how to allocate marine space for aquaculture and offshore wind farms. 	<p>ADDRESSED: Chapter 11 has a section that specifically considers the allocation of marine space for aquaculture (offshore windfarms are not specifically referenced, but many of the approaches recommended could be applied to them). The report suggests the use of a combination of strategic direction through the NZCPS, and spatial planning, which would set direction for the use of coastal space. These could be backed by a more flexible and responsive system of regulatory permits and market mechanisms (such as tendering for coastal space).</p>

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<p>Functions and processes</p>	<ul style="list-style-type: none"> ○ Examining all RMA functions and processes. ○ Improving the coherence, effectiveness and timely implementation of national direction. ○ Enabling faster and more responsive land use planning and adequate response to environmental harm. 	<p>ADDRESSED: The Panel has considered all the principal functions and processes contained in the RMA.</p> <p>ADDRESSED: The roles of different types of national direction have been clarified, processes have been consolidated, the effect of national direction strengthened and new review and auditing mechanisms added.</p> <p>ADDRESSED: Chapter 8 contains proposals for a combined plan preparation process similar to that used for the Auckland Unitary Plan. There would only be one hearing required and appeal rights would be limited.</p> <p>The proposal for combined plans means there would be no time lag associated with regional policy statements having to be prepared separately (and usually ahead of) other plans.</p> <p>Chapters 6 and 7 recommend an ability for national direction to trigger an automatic review of resource consents and override existing use rights in order to reduce hazard risks or reduce or avoid significant harm to the environment. Chapter 7 also proposes that regulations be used to manage land and resource use where significant environmental harm is imminent. Chapter 13 proposes stronger powers to review resource consents, shorter review periods, and the ability for the Courts to cancel consents where there is environmental harm.</p> <p>Chapter 11 of the report proposes greater use be made of market-based mechanisms in addition to the usual reliance on regulatory approaches. Chapter 11 recommends better use of price signal data and more flexible land use regulation approaches to respond to urban housing and commercial capacity needs.</p>
<ul style="list-style-type: none"> ○ Improving the system of plans and their quality. 	<p>ADDRESSED: Chapter 8 proposes the current system of regional policy statements, regional plans and district plans is replaced by combined plans. Combined plans would be audited by the Ministry for the Environment.</p> <p>Spatial strategies are proposed to be used to coordinate plans under the Land Transport Management Act, Local Government Act and proposed Natural and Built Environments Act.</p>	
<ul style="list-style-type: none"> ○ Reducing the complexity and improving the quality of decision-making for approvals, including consenting and designations. 	<p>ADDRESSED: Chapter 9 proposes to reduce the number of consent activity classes, with the abolition of non-complying activities. Consent notification provisions are simplified, with the determining factors being rules in plans and the activity class of the activity concerned. Appeals to the Environment Court would be restricted to consents under the discretionary activity class (other classes being referred to an alternative dispute resolution approach) unless the leave of the Court has been obtained.</p>	
<ul style="list-style-type: none"> ○ Considering how decision-making processes, including consultation, can better reflect the needs and interests of the wider community, including the national interest and future generations. 	<p>ADDRESSED: As set out in chapter 2, the system will focus on:</p> <ul style="list-style-type: none"> ○ intergenerational wellbeing and fairness ○ planning for positive outcomes rather than only managing the adverse effects of resource use. 	

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	<p>Chapter 2 also proposes implementation principles that all those exercising functions and powers under the NBEA must adhere to. Amongst these principles are the principles of public participation proportionate to the significance of the matters at issue, and promotion of mechanisms for effective participation by Māori.</p> <p>Consistent with the intergenerational wellbeing approach, the spatial strategies discussed in chapter 5 envisage long-term plan horizons of at least 30 years (100 years for climate change matters).</p> <p>Chapter 5 sets out proposals for addressing the status quo bias. These include principles to guide a responsive system (including sustainability, fairness and equity) and greater powers to override existing use rights.</p>
<ul style="list-style-type: none"> o Improving the range and use of funding tools and economic instruments. 	<p>ADDRESSED: Chapter 11 recommends future legislation have a broad mandate for the use of tradable rights and permits, incentives and environmental taxes and charges. Chapter 11 recommends amending legislation relating to council rating powers to enable targeted rates to be charged solely on the basis of an increase in land values as a means of obtaining revenue from value uplift and sharing the benefits and costs of public works across the community more fairly.</p>
<ul style="list-style-type: none"> o Ensuring appropriate mechanisms for Māori participation in the system, including giving effect to Treaty settlement agreements. 	<p>ADDRESSED: Chapters 3, 4, 7, and 8 propose roles for Māori in the development of national direction, and decision-making on spatial strategies and combined plans. Chapter 3 also proposes a National Māori Advisory Board that has a system oversight role in checking that central and local government obligations to Māori are being met.</p> <p>The report considered Waitangi Tribunal reports WAI 27, 55, 167, 153, 262, 304, 785, 796, 863, 894, 1130, 1200, and 2358 and a range of existing Treaty settlement agreements. However, some matters contained in Treaty settlement agreements are outside the ability of the report to address (eg, compensation for historic taking of land).</p>
<ul style="list-style-type: none"> o Clarifying the meaning of iwi authority and hapū. 	<p>ADDRESSED (through an alternative approach): Chapter 3 of the report proposes using terms such as “mana whenua” and “mātāwaka”⁵ instead of iwi authority or hapū. The Panel’s report notes that some Māori submitters considered that defining terms such as iwi or hapū may not be helpful and erode the rights of some Māori groups. It is envisaged a new National Māori Advisory Board should have a role in maintaining records and assisting councils and mana whenua groups to identify who to engage with on resource management matters.</p>
<ul style="list-style-type: none"> o Ensuring compliance, enforcement and monitoring functions are effective. 	<p>ADDRESSED: Chapter 13 proposes:</p> <ul style="list-style-type: none"> o strengthening the link between compliance monitoring, state of the environment monitoring and other monitoring obligations

5 ‘Mana whenua’ is used when referring to whānau, hapū and iwi who have customary authority over an area, and ‘mātāwaka’ is used when referring to whānau, hapū and iwi Māori living in an area where they are not mana whenua.

		<ul style="list-style-type: none"> o new regional compliance, monitoring and enforcement hubs that are independent of councils o a greater range of sentencing, penalty and redress options being made available o extending the ability to recover the costs of monitoring and compliance activities.
Institutions	<ul style="list-style-type: none"> o Allocating roles in the system to central and local government, the Environment Court, and other institutions. o Considering the interaction of the Climate Change Commission and other institutions in responding to climate change. 	<p>ADDRESSED: The report proposes a greater level of central government oversight, greater use of the Environment Court to assist planning processes, regionalisation of some council functions, additional roles for the Parliamentary Commissioner for the Environment, and a new National Māori Advisory Board.</p> <p>ADDRESSED: Chapter 2 of the report recommends climate change mitigation and adaptation be incorporated into the purpose and principles sections of the NBEA and into mandatory national direction.</p> <p>Chapter 6 proposes Climate Change Response Act emission reduction and adaptation plans should inform national direction, spatial strategies under the proposed SPA, and combined plans under NBEA.</p> <p>In preparing national direction, the Climate Change Commission can advise of emissions budgets, implementation of the national adaptation plan, and national climate change risk assessments.</p> <p>Partners preparing spatial strategies would be required to seek advice from relevant organisations, including the Climate Change Commission. Combined plans must be consistent with spatial strategies.</p>
	<ul style="list-style-type: none"> o Ensuring institutions have the right incentives (including clearly defined roles, responsibilities, and accountability mechanisms). 	<p>ADDRESSED: Chapters 4, and 10-14 of the report contain various proposals to strengthen incentives for institutions to perform. These incentives include ensuring decision-makers are accountable and ensuring adequate resourcing and support for capability-building is available.</p> <p>Central to these recommendations is the Ministry for the Environment taking on an expanded, more active role in the system, greater oversight by the Parliamentary Commissioner for the Environment, and an oversight and advisory role for a new National Māori Advisory Board.</p>
	<ul style="list-style-type: none"> o Introducing a package of complementary measures to support the transition to a new system and to address planning system culture, capacity and capability. 	<p>ADDRESSED: The report outlines high-level transitional arrangements to implement the new system such as the sequencing of national direction and plans.</p> <p>Chapters 14 and 16 acknowledge issues with capacity and capability and note the significant investment that would be required to implement system change. This would include central government support through national direction, guidance, assistance with expertise, and financial support.</p> <p>Greater detail on measures to complement the Panel's report is the responsibility of the Ministry for the Environment and will be separate from the report.</p>

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Appendix 2: The extent to which other ministers' issues have been addressed

Issue	Portfolio raised in	Extent Addressed / Comment
RMA OBJECTIVES AND ALIGNMENT		
<p>1. Remove unnecessary complexity from the RMA.</p>	<ul style="list-style-type: none"> ○ Defence ○ Māori Development ○ HUD Ministers 	<p>ADDRESSED: The roles of different national direction instruments have been clarified in Chapter 7 of the report.</p> <p>The overall number of plans and planning processes has been reduced (chapter 8).</p> <p>The number of resource consent classes and the complexity of resource consent notification processes has been reduced (see chapter 9).</p> <p>Additional tests, process inputs and legislation are proposed in the report, but these are required to ensure the robustness and workability of the system and provide necessary checks and balances on the use of particular powers.</p>
<p>2. Strengthen environmental bottom lines (including integration of environmental bottom-lines across a range of jurisdictions and environmental domains).</p> <p>3. Achieve good environmental outcomes, including effective management of cumulative effects.</p>	<ul style="list-style-type: none"> ○ Transport ○ Conservation ○ Local Government ○ Māori Development 	<p>ADDRESSED: Chapter 2 of the report proposes mandatory national direction, which sets environmental limits for biophysical resources and targets for achieving positive environmental outcomes.</p> <p>Improved management of cumulative effects is proposed through:</p> <ul style="list-style-type: none"> ○ a focus on resolving disputes through plans ○ a focus on achieving positive outcomes ○ codifying the precautionary approach ○ a greater ability to review existing resource consents and override existing use rights, implementation principles that require decision-makers to have particular regard to cumulative effects.
<p>4. Uphold and further clarify Part 2 to elevate the importance of (specified) matters.</p>	<ul style="list-style-type: none"> ○ Education ○ Local Government ○ Māori Development ○ Energy and Resources ○ Climate Change ○ Māori Crown Relations ○ Defence 	<p>ADDRESSED (through an alternative approach): The report recommends the RMA be replaced by the NBEA. Chapter 2 of the report proposes the NBEA incorporate purpose and principles sections which have a broad similarity to RMA Part 2, but which:</p> <ul style="list-style-type: none"> ○ replace the matters of national importance and other matters sections with "outcomes" ○ include new sections relating to ministerial duties, and implementation principles. <p>The requirement to take into account the principles of the Treaty of Waitangi in the RMA has been elevated in importance to become a requirement to "give effect to" the principles.</p>

Issue	Portfolio raised in	Extent Addressed / Comment
5. Recognise national objectives and resolve competing national objectives—including: <ul style="list-style-type: none"> ○ housing and urban development ○ infrastructure networks and projects ○ Treaty of Waitangi ○ climate change adaptation ○ emissions mitigation ○ health and wellbeing outcomes ○ transport ○ defence and national security. 	<ul style="list-style-type: none"> ○ HUD Ministers ○ Transport ○ Local Government ○ Māori Development ○ Energy and Resources ○ Climate Change ○ Māori Crown Relations ○ Defence ○ Health ○ HUD Ministers 	<p>PARTIALLY ADDRESSED: Chapter 2 of the report recommends the purpose and principles sections of the NBEA contain specific outcomes that must be provided for. These outcomes include those relating to the natural environment, built environment, climate change and hazards, historic heritage and tikanga Māori. No specific reference to defence and national security is incorporated into the report (but the report does not preclude defence matters from inclusion in national direction, if necessary).</p> <p>Transport is not mentioned explicitly in the outcomes that must be provided for, but would be partly covered by NBEA built environment outcomes clauses.</p> <p>The concept of wellbeing is defined in the report as incorporating health and safety (see the proposed drafting of section 5(4) in chapter 2).</p>
6. Ensure the system has sufficient resilience to manage risks posed by climate change and other natural hazards, enabling nature-based solutions.	<ul style="list-style-type: none"> ○ Conservation ○ Energy and Resources ○ Climate Change 	<p>ADDRESSED: Chapters 2, 6 and 7 of the report propose that climate change adaptation and mitigation, and the reduction of risks from natural hazards be outcomes that must be provided for. As outcomes, national direction must be issued on mitigation and adaptation. National direction can include the use of nature-based solutions as methods (if desired).</p> <p>Chapter 6 also proposes:</p> <ul style="list-style-type: none"> ○ that regional spatial strategies address climate change mitigation, adaptation and natural hazard risk reduction as informed by plans prepared under the Climate Change Response Act ○ a new Managed Retreat and Climate Change Adaptation Act that will provide powers and funding mechanisms to address the effects of climate change and reduce risks from natural hazards.
7. Consider an explicit ability to restore or enhance the natural environment and protection across urban, rural, coastal and marine environments.	<ul style="list-style-type: none"> ○ Conservation 	<p>ADDRESSED: Chapter 2 of the report proposes new purpose and principles sections in the NBEA which explicitly reference protection, and restoring and enhancing the natural environment as overall outcomes to be provided for.</p>
8. Align land use planning and regulation [and environmental protection] with infrastructure planning and funding, or other national objectives through spatial planning across a range of	<ul style="list-style-type: none"> ○ Education ○ Transport ○ Climate Change ○ Energy and Resources ○ Defence 	<p>ADDRESSED: Chapter 4 proposes a single statute to manage land and environmental planning – to ensure integrated management. This is supported by the new Strategic Planning Act to better align objectives, projects and funding across the LTMA, RMA, and LGA.</p>

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Issue	Portfolio raised in	Extent Addressed / Comment
interests rather than looking at projects in isolation.	HUD Ministers	
9. Consider whether or not to separate statutory provisions for land use planning and environmental protection.	<ul style="list-style-type: none"> o Conservation 	<p>ADDRESSED: Chapter 1 proposes a single statute to manage land use planning and environmental protection.</p> <p>Recognising that there are different priorities and characteristics between natural and built environments, chapter 2 of the report recommends different sets of outcomes for built and natural environments.</p>
10. Ensure that the RMA aligns with and complements the purpose and processes outlined in the Climate Change Response (Zero Carbon) Amendment Act.	<ul style="list-style-type: none"> o Energy and Resources o Climate Change 	<p>ADDRESSED: Chapter 2 of the report recommends climate change mitigation and adaptation be incorporated into the purpose and principles sections of the NBEA and into mandatory national direction.</p> <p>Climate Change Response Act plans inform spatial strategies and plans.</p>
11. Ensure that Māori have a role in the resource management system as kaitiaki and rangatira, including improved influence and involvement in decision-making and partnerships.	<ul style="list-style-type: none"> o Māori Development o Conservation o Māori Crown Relations o HUD Ministers 	<p>ADDRESSED: Chapters 3, 4, 7, and 8 propose roles for Māori in the development of national direction, and decision-making on spatial strategies and combined plans. Chapter 3 also proposes a National Māori Advisory Board that has a system oversight role in checking that central and local government obligations to Māori are being met.</p>
ADDITIONAL FEEDBACK ON RMA OBJECTIVES AND ALIGNMENT		
12. Address reverse sensitivity and the impacts of development on national assets/nationally important resource uses.	<ul style="list-style-type: none"> o Transport 	<p>NOT ADDRESSED DIRECTLY. This is a matter of detail that could be addressed at a later stage such as through national direction, in spatial strategies or through regional combined plans.</p>
13. Provide better resource management outcomes for Māori, including access to resources (eg. coastal space). Ensure planning systems complement the Whenua Māori work programme.	<ul style="list-style-type: none"> o Māori Development o Māori Crown Relations 	<p>ADDRESSED: Chapter 2 proposes new purpose and principles sections in the NBEA that would contain outcomes relating to tikanga Māori and require giving effect to the principles of Te Tiriti O Waitangi.</p> <p>Chapters 3, 4, 7 and 8 propose roles for Māori in the preparation of national direction, spatial strategies and combined plans.</p> <p>Chapter 3 also proposes that a National Māori Advisory Board provide advice to the government on central and local government adherence to their duties to Māori.</p>

Issue	Portfolio raised in	Extent Addressed / Comment
		<p>The report does not specifically address issues such as Māori land tenure, rating of Māori land or land acquisition and disposal processes under the Public Works Act 1981, as they were not in scope.</p>
<p>14. Promote uptake of arrangements under existing sections 33 and 36B.</p>	<ul style="list-style-type: none"> o Māori Crown Relations 	<p>ADDRESSED: Chapter 3 proposes RMA tools relating to Māori interests be rationalised into one integrated partnership process (IPP), including section 33 transfers and section 36B joint management agreements. It is proposed that councils have an obligation to investigate opportunities to use the transfer of power and joint management agreement provisions.</p>
<p>15. Explore better ways to balance national benefits against local effects; this may mean reconsidering the effects-based regime.</p>	<ul style="list-style-type: none"> o Energy and Resources 	<p>ADDRESSED: The new system would shift the emphasis from managing the effects of resource use towards planning to achieve outcomes, supported by strategic planning and more mandatory national direction.</p>
<p>16. Improve consistency in managing the public estate across different jurisdictions and environmental domains (eg, freshwater and coastal assets).</p>	<ul style="list-style-type: none"> o Transport 	<p>ADDRESSED: Chapter 7 of the report proposes a range of mandatory national direction that can improve consistency of approaches to managing the environment, as well as a discretion for the Minister for the Environment to issue additional national direction on the grounds that an issue is significant and requires a nationally consistent approach to its management.</p> <p>Chapter 4 proposals for spatial planning allow spatial strategies to be developed for a range of scales (although regional-scale would be the default) and cover land, freshwater and coastal marine area domains.</p> <p>Chapter 11 also includes principles for the allocation of resources across difference domains which will improve consistency of approach.</p>
<p>17. The current system is not sufficiently focused on overall value/wellbeing for the wider community.</p>	<ul style="list-style-type: none"> o Transport o HUD Ministers 	<p>ADDRESSED: Wellbeing is defined as including the social, economic, environmental and cultural wellbeing of people and communities. Supporting wellbeing is central to the new purpose of the Act (see chapter 2). Community-relevant outcomes to be provided include those related to the built environment, tikanga Māori, and heritage.</p>
<p>18. The system needs to be self-correcting, eg, laying the foundations and enabling the market to respond. The current system does not allow for growth up and out.</p>	<ul style="list-style-type: none"> o HUD Ministers 	<p>ADDRESSED: Chapter 2 proposes specific outcomes for the built environment that must be provided for. These outcomes include:</p> <ul style="list-style-type: none"> o the sustainable use of the environment in urban areas including the capacity to respond to growth and change o the availability of development capacity for housing and business purposes to meet expected demand.

Issue	Portfolio raised in	Extent Addressed / Comment
		<p>The report proposed that it be mandatory for national direction to be issued on these (and other) outcomes.</p> <p>Chapter 11 of the report proposes making greater use of market-based mechanisms in addition to the usual reliance on regulatory approaches. Chapter 11 recommends better use of price signal data and more flexible land use regulation approaches (including to allow development that is both up and out) to respond to urban housing and commercial capacity needs.</p> <p>Chapter 11 also recommends ensuring that future legislation has a broad mandate for the use of tradable rights and permits.</p>
<p>19. Create a land use system that supports a shift to a low emissions future.</p>	<ul style="list-style-type: none"> o Climate Change 	<p>ADDRESSED: The NBEA purpose and principles sections include reduction of greenhouse gas emissions, promotion of activities that mitigate emissions, and increased use of renewable energy as outcomes to be provided for through decision-making, plans and consenting.</p>
RMA FUNCTIONS AND PROCESSES		
<p>20. Improve the coherence, consistency, effectiveness and enforcement of national direction.</p>	<ul style="list-style-type: none"> o Defence o HUD Ministers 	<p>ADDRESSED: Chapter 7 clarifies the roles, content and processes for national direction instruments. The report signals a review of all existing national direction to remove conflicts and inconsistencies, and checks for all new national direction, to avoid conflicts.</p> <p>National direction will influence spatial strategies as well as combined regional plans, and have strong influence over resource consents and existing use rights.</p>
<p>21. Enable faster and more responsive land use planning.</p>	<ul style="list-style-type: none"> o Māori Development o Conservation o Climate Change o HUD Ministers 	<p>ADDRESSED: Chapter 8 contains proposals for a combined plan preparation process similar to that used for the Auckland Unitary Plan. There would only be one hearing required and appeal rights would be limited.</p> <p>The proposal for combined plans means there would be no time lag associated with regional policy statements having to be prepared separately (and usually ahead of) other plans.</p> <p>Chapter 11 of the report proposes making greater use of market-based mechanisms in addition to the usual reliance on regulatory approaches.</p>
<p>22. Improve the quality of plans including incorporation of:</p> <ul style="list-style-type: none"> o enhanced/long term spatial plans o emissions mitigation o nationally significant infrastructure o intergenerational planning 	<ul style="list-style-type: none"> o Climate Change o Defence o Transport o Local Government o Māori Development o Health 	<p>PARTIALLY ADDRESSED: The report includes:</p> <ul style="list-style-type: none"> o a new Strategic Planning Act with spatial plans, which (amongst other matters) provide greater certainty around planning for nationally significant infrastructure o climate change mitigation as an outcome to be provided for through plans o the concept of intergenerational wellbeing and planning horizons

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Issue	Portfolio raised in	Extent Addressed / Comment
<ul style="list-style-type: none"> o addressing reverse sensitivity o requirements for input on health and wellbeing o s6(e), 7(a) and 8 matters, and provision for papakāinga o clearer planning for environmental outcomes, or minimum environmental standards. 	<ul style="list-style-type: none"> o Energy and Resources o Education o HUD Ministers 	<ul style="list-style-type: none"> o new outcomes and duties relating to giving effect to Te Tiriti O Waitangi, tikanga Māori and roles for Māori that replace sections 6(e), 7 and 8 o Clear environmental outcomes and a requirement to set environmental limits. <p>Plan content for managing reverse sensitivity and providing for papakāinga developments are not covered directly in the report. However, these are matters that could be addressed through national direction, spatial strategies or combined plans (as appropriate to circumstances).</p>
<p>23. Reduce complexity and uncertainty, and inconsistency, increasing timeliness of plans and consenting processes.</p>	<ul style="list-style-type: none"> o Māori Development o Energy and Resources o HUD Ministers 	<p>ADDRESSED: Proposals in chapter 8 recommend reducing the number of plans and planning processes overall, and there is a stronger role for national direction instruments to improve certainty and consistency.</p> <p>The number of activity classes for resource consents has been reduced, and the notification tests simplified.</p> <p>The relationship between multiple tiers of documents (national direction, spatial strategies, and combined plans) and the input and influence of plans outside NBEA will still be complex.</p>
<p>24. Retain, strengthen and clarify Requiring Authority powers and the designations process, ensuring processes enable sufficient certainty for major infrastructure.</p> <p>25. Clarify differences between designations and consents, requiring authority and consent authority roles.</p>	<ul style="list-style-type: none"> o Transport o Defence o Education 	<p>ADDRESSED: Chapter 10 proposes that designations would be retained, with default expiry timeframes extended to 10 years (and enabling extensions for another 10 years).</p> <p>Two-stage designation process (notice of requirement and outline plan) requirements have been clarified.</p>
<p>26. Improve the use of funding tools and economic instruments, or reduce cost barriers.</p>	<ul style="list-style-type: none"> o Energy and Resources o Conservation o Climate Change 	<p>ADDRESSED: Chapter 11 recommends that future legislation have a broad mandate for the use of tradable rights and permits, incentives and environmental taxes and charges.</p> <p>Multiple chapters recommend funding for capacity and capability building in several policy implementation areas, including to support mana whenua participation in resource management processes (chapter 3) and managed retreat and pre-emptive climate change adaptation action (chapter 6).</p>

Issue	Portfolio raised in	Extent Addressed / Comment
27. Ensure appropriate mechanisms for Māori participation in the system, including resource management partnerships, and giving effect to Treaty settlement agreements.	<ul style="list-style-type: none"> o Conservation o Māori Development o Māori Crown Relations o HUD Ministers 	<p>Reducing cost barriers is addressed through recommendations on reducing complexity in the system, including by emphasising opportunities for debate in policy and plan development (while limiting unnecessary notification processes) and introducing an alternative dispute resolution process.</p> <p>ADDRESSED: Chapters 3, 4, 7, 8, 9 and 12 propose roles for Māori in the development of national direction, preparation of spatial strategies and combined plans, consenting, monitoring and oversight of the resource management system (the latter via a new National Māori Advisory Board).</p> <p>Chapter 2 recommends all decision-makers and those exercising functions and powers under the NBEA are required to give effect to the principles of Te Tiriti. Chapter 2 also requires the same parties to provide for specific outcomes for Māori (including recognising protected customary rights).</p> <p>The report considered Waitangi Tribunal reports WAI 27, 55, 167, 153, 262, 304, 785, 796, 863, 894, 1130, 1200, and 2358 and a range of existing Treaty settlement agreements. However, some matters contained in Treaty settlement agreements are outside the ability of the report to address (eg. compensation for historic taking of land).</p>
28. Remove barriers to effective participation on hearings committees, and in Environment Court proceedings.	<ul style="list-style-type: none"> o Conservation o Māori Development o Māori Crown Relations o HUD Ministers 	<p>PARTIALLY ADDRESSED Some of the barriers to participation in hearings and Court proceedings relate to operational rules, processes, resourcing and evidential requirements that are difficult to address in legislation. Other barriers are financial and the report recommends additional assistance be given to mana whenua (chapters 3 and 14 for instance).</p>
29. Clarify the meaning of 'iwi authority' and how the Crown will councils in determining iwi Authority.	<ul style="list-style-type: none"> o Local Government o Māori Development 	<p>ADDRESSED (through an alternative approach): Chapter 3 of the report proposes using terms such as "mana whenua" and "mātāwaka"⁶ instead of iwi authority or hapū. The Panel's report notes that some Māori submitters considered that defining terms such as iwi or hapū may not be helpful and erode the rights of some Māori groups. It is envisaged that a new National Māori Advisory Board should have a role in maintaining records and assisting councils and mana whenua groups to identify who to engage with on resource management matters.</p>
30. Ensure compliance, monitoring and enforcement functions are effective.	<ul style="list-style-type: none"> o HUD Ministers 	<p>ADDRESSED: Chapter 13 proposes strengthening the link between compliance monitoring, state of the environment monitoring and other monitoring obligations.</p>

⁶ 'Mana whenua' is used when referring to whānau, hapū and iwi who have customary authority over an area, and 'mātāwaka' is used when referring to whānau, hapū and iwi Māori living in an area where they are not mana whenua.

Issue	Portfolio raised in	Extent Addressed / Comment
		<p>New regional hubs are proposed to address capacity, capability, and governance issues relating to compliance, monitoring and enforcement activities. There would be a greater ability for these hubs to recover the costs of their activities.</p> <p>A greater range of penalty and redress options are proposed including enforceable undertakings, increased penalties, and creative sentencing options.</p>
ADDITIONAL FEEDBACK ON RMA FUNCTIONS AND PROCESSES		
<p>31. Improve alignment between resource management and building consenting processes.</p>	<ul style="list-style-type: none"> ○ Climate Change ○ Māori Development ○ Māori Crown Relations ○ Energy and Resources 	<p>PARTIALLY ADDRESSED: Chapter 8 recommends the use of combined plans which would consolidate the planning framework for regionally and locally-administered consents.</p> <p>Alignment between the Building Act and NBEA is seen as appropriate, but the report recommends that the Building Act should be reviewed to improve its alignment with the new legislation.</p>
<p>32. Effectively accommodate Māori land tenure.</p>	<ul style="list-style-type: none"> ○ Māori Development 	<p>PARTIALLY ADDRESSED: Accommodating Māori land tenure is not specifically addressed in the report. However, some of the recommendations around creating a more effective role for Māori in the system would assist, such as:</p> <ul style="list-style-type: none"> ○ development of the National Policy Statement on Te Tiriti ○ the Integrated Partnerships Process (IPP), which would include as a matter to be agreed upon “how land owned by mana whenua will be identified and how the owners will be engaged when they may be affected by policy or plan changes” (See chapter 3 of the report).
<p>33. Remove barriers to:</p> <ul style="list-style-type: none"> ○ implementation of s.6(e), s.7(a) and s.8 ○ use and development of Māori land ○ large-scale renewable energy projects ○ mineral resources (eg, aggregate quarries and ‘clean-tech’ minerals for low emission technologies) ○ urban intensification 	<ul style="list-style-type: none"> ○ Māori Development ○ Māori Crown Relations ○ Energy and Resources ○ Climate Change 	<p>PARTIALLY ADDRESSED: Chapter 3 of the report includes proposals that better provide for the protection and restoration of the relationship of Māori with their land, water and other resources, and greater exercise of kaitiakitanga.</p> <p>However, the proposed new purpose and principals sections of the NBEA will replace RMA sections 6(e), 7 and 8 with a new purpose statement and outcomes relating to tikanga Māori, which those exercising functions and powers under the NBEA must provide for.</p> <p>Matters assisting the use and development of Māori land include:</p> <ul style="list-style-type: none"> ○ the Integrated Partnerships Process would include as a matter to be agreed upon “how land owned by mana whenua will be identified and how the owners will be engaged when they may be affected by policy or plan changes” (see chapter 3).

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Issue	Portfolio raised in	Extent Addressed / Comment
		<ul style="list-style-type: none"> o The National Policy Statement on Te Tiriti, which could assist with or enable "Māori housing initiatives, papakāinga and other Māori residential developments, and recognition of Māori design values in planning and development" (report para 81, chapter 3). <p>Chapter 2 proposes that increased use of renewable energy⁷ be an outcome to be provided for by those exercising functions and powers under NBEA.</p> <p>Chapter 4 (and Appendix 2) outline proposals for a "national priorities statement" for spatial planning which could (amongst other matters) identify suitable locations for renewable energy generation.</p> <p>The report proposes specific provisions for minerals. The assumption is that the current Crown Minerals Act allocation regime will continue.</p> <p>Chapter 7 enables urban intensification provisions to be incorporated into national direction relating to built environment outcomes. Identification of areas for urban intensification can also form part of a spatial strategy (see Appendix 2 for example) and /or combined plans.</p>
34. Expand risk-based approach to natural hazard management. Support communities to avoid, accommodate, defend and retreat from high-risk areas.	o Climate Change	<p>ADDRESSED: Chapter 6 proposes a risk-based approach be adopted more widely with national direction required on adaptation and natural hazard risk reduction.</p> <p>A separate Managed Retreat and Climate Change Adaptation Act is proposed to:</p> <ul style="list-style-type: none"> o provide for managed retreat, o provide powers to change established land uses o address liability and options for potential compensation, and funding to support councils.
35. Retain the ability to use case law on Part 2 and the Treaty of Waitangi.	o Conservation	<p>PARTIALLY ADDRESSED: In chapter 2 of the report, RMA Part 2 has been rewritten to adopt more of an outcomes approach and elevate the importance of the principles of Te Tiriti. However, some phrases are retained from Part 2 of the RMA. The greater emphasis on development within environmental limits borrows from the <i>King Salmon</i> Supreme Court case.</p>
36. Current consultation processes are outdated and favour certain groups.	o HUD Ministers	<p>ADDRESSED: As set out in chapter 2, the system will focus on:</p> <ul style="list-style-type: none"> o intergenerational wellbeing and fairness o planning for positive outcomes rather than only managing the adverse effects of resource use. <p>Consistent with the intergenerational wellbeing approach, the spatial strategies discussed in chapter 5 envisage long-term plan horizons of at least 30 years (100 years for climate change matters).</p>

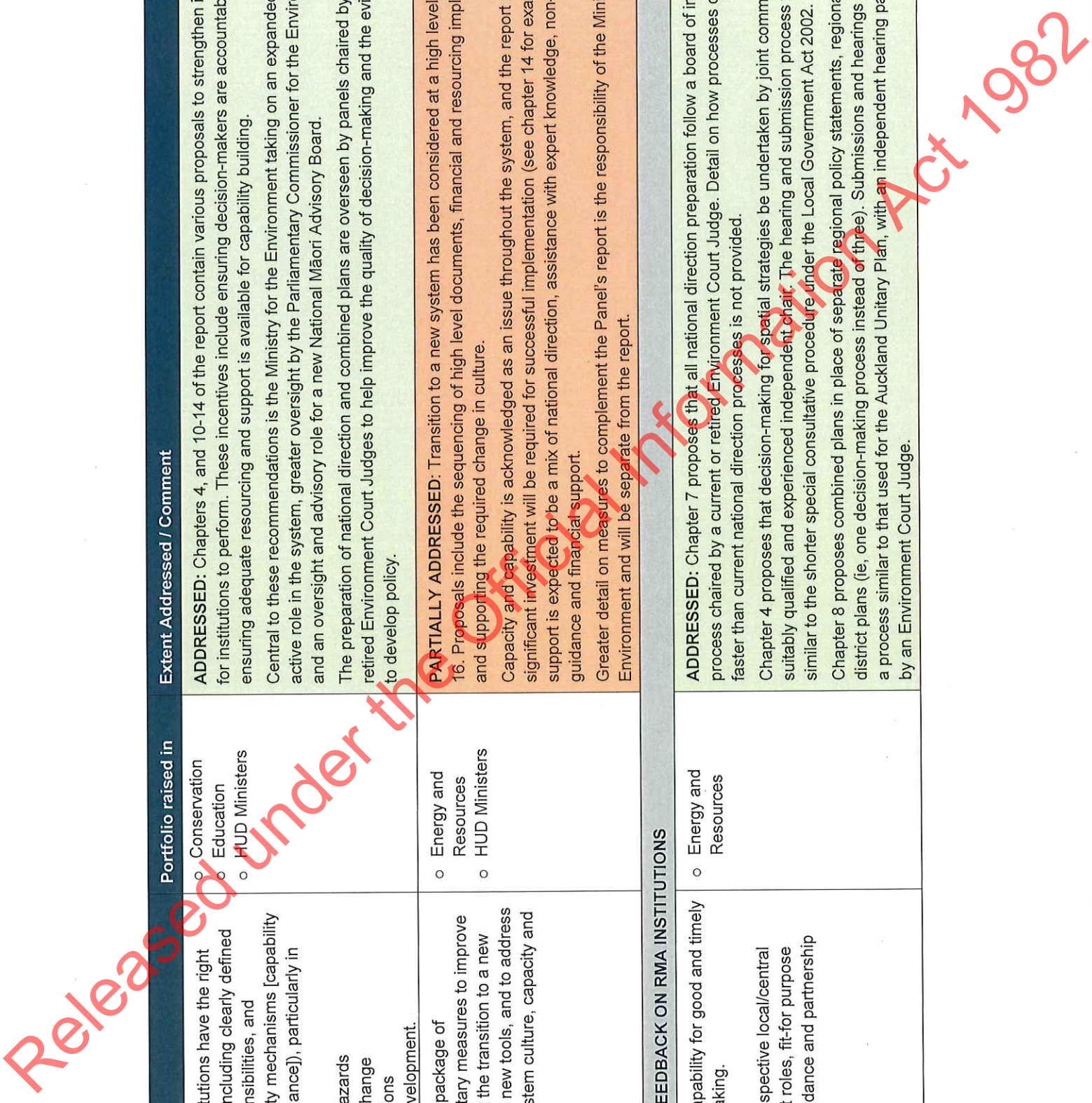
⁷ Defined in the report as energy produced from solar, wind, hydro, geothermal, biomass, tidal wave, and ocean current sources.

Issue	Portfolio raised in	Extent Addressed / Comment
37. Restructure the Act to recognise Crown public works contribution to urban development outcomes, by recognising designations as a land use/zoning tool.	<ul style="list-style-type: none"> o Transport 	<p>Chapter 5 sets out proposals for addressing the status quo bias. These include principles to guide a responsive system (including sustainability, fairness and equity) and greater powers to override existing use rights.</p> <p>ADDRESSED: Built environment outcomes are recognised in chapter 2. These outcomes include the integration of land use and infrastructure.</p> <p>Proposals for spatial planning in chapter 4 incorporate requirements for the identification of important infrastructure (likely to include facilities such as key transport links and schools for example) within spatial strategies. Spatial strategies are also required to identify and help coordinate likely funding and financing sources (for which the Crown is an important contributor in relation to transport). Designations are retained as a land use tool and the two-stage (notice of requirement and outline plan) information requirements are clarified.</p>
38. Clarify the role and status of iwi management plans.	<ul style="list-style-type: none"> o Māori Development 	<p>ADDRESSED: Chapter 3 clarifies and elevates the role of iwi management plans. These plans must be taken into account when preparing spatial strategies and combined plans.</p>
39. Build staffing capability for effective engagement with Māori when making decisions that affect Māori land use.		<p>Chapters 3 and 14 envisage that there would be improved capability for councils to engage with Māori on issues generally. Engagement on issues and decisions affecting Māori land could form a part of this capability building.</p>
40. Enable urban intensification through:	<ul style="list-style-type: none"> o Energy and Resources o Climate Change 	<p>PARTIALLY ADDRESSED: Chapter 4 proposes that spatial planning would become an integral component of a future system.</p> <p>The report does not address low emissions development in detail. However, for climate change mitigation, mandatory national direction is recommended, and mitigation would be integrated into regional spatial strategies, which have the potential to underpin how land use is regulated, and integrate funding mechanisms.</p>
RMA INSTITUTIONS		
41. Allocate roles in the system to central and local government, the Environment Court, and other institutions such as Independent Hearings Panels.	<ul style="list-style-type: none"> o HUD Ministers o Transport 	<p>ADDRESSED: Chapters 4, 6, 7, 8, 12, 13 and 14 outline central and local government roles, roles for the Environment Court and hearing panels. Roles have been clarified and rationalised where possible. The Environment Court has a distinct role in a future system in relation to Boards of Inquiry on proposed National Direction and independent hearing panels on combined plans.</p>

Issue	Portfolio raised in	Extent Addressed / Comment
<p>42. The use/role of Independent Hearings panels should be considered to improve decision-making quality, speed and consistency.</p>	<ul style="list-style-type: none"> o HUD Ministers o Transport 	<p>ADDRESSED: Chapter 8 recommends replacing the current regime of regional policy statements, regional plans and district plans with a single combined plan for each region. Hearings for these plans would be before independent hearing panels.</p>
<p>43. Consider the interaction of the Climate Change Commission and other institutions in responding to climate change.</p>	<ul style="list-style-type: none"> o Energy and Resources o Conservation 	<p>ADDRESSED: Chapter 2 of the report recommends climate change mitigation and adaptation be incorporated into the purpose and principles sections of the NBEA and into mandatory national direction.</p> <p>Chapter 6 proposes that Climate Change Response Act emission reduction and adaptation plans should inform national direction, spatial strategies under the proposed SPA, and combined plans under the NBEA.</p> <p>In preparing national direction, the Climate Change Commission can advise of emissions budgets, implementation of the national adaptation plan, and national climate change risk assessments. Partners preparing spatial strategies would be required to seek advice from relevant organisations, including the Climate Change Commission. Combined plans must be consistent with spatial strategies.</p>
<p>44. Consider resource management's role in emissions management to complement the Emissions Trading Scheme (eg, through performance standards).</p> <p>45. Review s.70A, 104E and s.142 to allow consideration of the effects of decisions on future emissions.</p>	<ul style="list-style-type: none"> o Energy and Resources o Conservation 	<p>ADDRESSED: Chapter 6 discusses emissions management in relation to the Emissions Trading Scheme, with complementary mechanisms considered. A reduction in greenhouse gas emissions, improved resilience to climate change from adaptation, promotion of activities that mitigate emissions, and increased use of renewable energy are all proposed as outcomes to be provided for under NBEA.</p> <p>Combined and spatial plans would help realise the mitigation required, ensuring consistency with emissions reduction plans under the Climate Change Response Act.</p> <p>The Climate Change Commission would advise on the development of spatial strategies, while Climate Change Response Act mitigation and adaptation plans could inform national direction.</p> <p>Chapter 7 envisages national direction (including on climate mitigation and adaptation) could set limits, targets, rules and methods that could be similar to performance standards.</p> <p>The changes above would flow into the sections of the NBEA that would cover allow the consideration of emissions as an environmental effect in relation to matters such as resource consent decisions.</p> <p>Note that RMA sections, 70A and 104E (which prevented the consideration of greenhouse gas emissions in plan rules and consent decisions) have since been repealed (in June 2020).</p>

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Issue	Portfolio raised in	Extent Addressed / Comment
<p>46. Ensure institutions have the right incentives (including clearly defined roles, responsibilities, and accountability mechanisms [capability and performance]), particularly in regard to:</p> <ul style="list-style-type: none"> o natural hazards o climate change o designations o urban development. 	<ul style="list-style-type: none"> o Conservation o Education o HUD Ministers 	<p>ADDRESSED: Chapters 4, and 10-14 of the report contain various proposals to strengthen incentives for institutions to perform. These incentives include ensuring decision-makers are accountable and ensuring adequate resourcing and support is available for capability building.</p> <p>Central to these recommendations is the Ministry for the Environment taking on an expanded, more active role in the system, greater oversight by the Parliamentary Commissioner for the Environment, and an oversight and advisory role for a new National Māori Advisory Board.</p> <p>The preparation of national direction and combined plans are overseen by panels chaired by current or retired Environment Court Judges to help improve the quality of decision-making and the evidence used to develop policy.</p>
<p>47. Introduce a package of complementary measures to improve and support the transition to a new system with new tools, and to address planning system culture, capacity and capability.</p>	<ul style="list-style-type: none"> o Energy and Resources o HUD Ministers 	<p>PARTIALLY ADDRESSED: Transition to a new system has been considered at a high level in chapter 16. Proposals include the sequencing of high level documents, financial and resourcing implications, and supporting the required change in culture.</p> <p>Capacity and capability is acknowledged as an issue throughout the system, and the report notes significant investment will be required for successful implementation (see chapter 14 for example). That support is expected to be a mix of national direction, assistance with expert knowledge, non-regulatory guidance and financial support.</p> <p>Greater detail on measures to complement the Panel's report is the responsibility of the Ministry for the Environment and will be separate from the report.</p>
ADDITIONAL FEEDBACK ON RMA INSTITUTIONS		
<p>48. Consider capability for good and timely decision-making.</p>	<ul style="list-style-type: none"> o Energy and Resources 	<p>ADDRESSED: Chapter 7 proposes that all national direction preparation follow a board of inquiry process chaired by a current or retired Environment Court Judge. Detail on how processes can be made faster than current national direction processes is not provided.</p>
<p>49. Consider respective local/central government roles, fit-for purpose funding, guidance and partnership tools.</p>		<p>Chapter 4 proposes that decision-making for spatial strategies be undertaken by joint committee with a suitably qualified and experienced independent chair. The hearing and submission process would be similar to the shorter special consultative procedure under the Local Government Act 2002.</p> <p>Chapter 8 proposes combined plans in place of separate regional policy statements, regional plans and district plans (ie, one decision-making process instead of three). Submissions and hearings would follow a process similar to that used for the Auckland Unitary Plan, with an independent hearing panel chaired by an Environment Court Judge.</p>



Issue	Portfolio raised in	Extent Addressed / Comment
		<p>Chapters 3, 8, 11 and 13 give consideration to funding mechanisms including the possible use of a betterment tax, environmental taxes and charges and some possible funding and partnership arrangements (including regionalisation of planning, compliance, monitoring and enforcement functions).</p> <p>Chapter 14 provides an overview of proposed changes to institutions' roles flowing out of other chapters of the report. There are broad recommendations around additional funding, resourcing and guidance needs, to meet the proposed changes to workloads and functions.</p>
50. Enable Ministers to enter appeal proceedings on matters of public/portfolio interest.	<ul style="list-style-type: none"> o Conservation 	<p>NOT ADDRESSED: No specific reference to this ability is contained in the report. The role of sections 120⁸ and 274⁹ would need to be looked as part of more detailed policy work.</p>

⁸ Rights to appeal on resource consent decisions sit with submitters, the applicant and the Minister of Conservation (in respect to coastal permits).

⁹ This sets out who may be a party to proceedings in the Environment Court (this is currently limited to the Minister for the Environment and the Attorney General).

Appendix 3: Draft Cabinet paper

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In Confidence

Office of the Minister for the Environment

Chair, Cabinet Environment, Energy and Climate Committee

Comprehensive review of the resource management system: releasing the Resource Management Review Panel's final report

Proposal

- 1 This paper notes my intention to publicly release the final report of the Resource Management Review Panel.

Relation to Government priorities

- 2 As part of building a productive, sustainable and inclusive economy this Government is committed to improving the effectiveness of the resource management system [CAB-18-0246 refers].
- 3 The Resource Management Amendment Act 2020 will reduce complexity, increase certainty and restore public participation opportunities in the Resource Management Act 1991 (RMA).
- 4 The COVID-19 Recovery (Fast-track Consenting) Act 2020 will introduce a short-term consenting process to fast track projects that can boost employment and economic recovery in response to COVID-19.
- 5 The comprehensive review of the resource management system will consider broader and deeper reform to fix issues that have affected the system for many years.

Commented [RS1]: Currently a bill but we anticipate it will be passed by the time Cabinet considers this paper

Background

- 6 On 1 July 2019, Cabinet agreed to undertake a comprehensive review of the resource management system (the review), led by the Resource Management Review Panel (the Panel) [ENV-19-MIN-0036 refers]. The Panel was chaired by Hon Tony Randerson QC.¹
- 7 The aim of the review is to improve environmental outcomes and better enable urban and other development within environmental limits. The scope of the review is a comprehensive review of the RMA, including work on spatial planning across the RMA, Local Government Act 2002 and Land Transport Management Act 2003.

¹ Other Panel members were Rachel Brooking, Dean Kimpton, Amelia Linzey, Raewyn Peart MNZM, Kevin Prime MBE ONZM.

8 Under its terms of reference, the Panel was required to provide me with a report recommending how to improve the resource management system and strengthen spatial planning. The report was to provide detailed policy proposals for significant parts of a new Act or Acts and indicative legislative drafting of key provisions.

9 Cabinet invited Ministers to write to me with issues relevant to their portfolios that fell within the scope of the review [ENV-19-MIN-0036 refers]. The issues raised by Ministers were considered as part of the review process.

The Panel's review

10 The Panel has carried out the review in line with its terms of reference.

11 The Panel members sought and heard a wide range of views about the system. This included engaging with Māori and key stakeholder groups and testing their proposals with expert reference groups.

12 On 23 June 2020, I updated the Māori-Crown Relations: Te Arawhiti Committee on the Panel's process in engaging with Māori and the key messages the Panel was provided through that engagement.

The Panel's report

13 The Panel has delivered its report: *New directions for resource management in New Zealand* (the report). The report is the most comprehensive government review of the RMA since its introduction in 1991.

14 The report makes over 140 recommendations and provides indicative drafting for key parts of new legislation. The summary and key recommendations extracted from the Panel's report are attached as Appendix 1. I consider the report addresses the key issues identified in the terms of reference.

15 The report addresses most of the issues raised by Ministers, either in full or in part. A small number of issues were not addressed because they related to matters of detail or implementation practice that are better managed through later stages of the review or in the implementation of legislation.

Public release of the Panel's report

16 Given the high degree of public interest in the report, I intend to publicly release it in early August.

Next steps for the review

17 Cabinet agreed to a broad, open process of public consultation in the next phase of the review following Cabinet consideration of the Panel's proposals [CAB-19-MIN-0585.01].

18 The incoming government will make all decisions about how to progress the findings of the review.

Financial Implications

19 There are no financial implications associated with this paper. Funding for the review has been approved by Cabinet in Budget 2019.

Legislative Implications

20 There are no legislative implications associated with this paper. Cabinet agreement will be sought to any future legislative changes arising from the Panel's proposals.

Impact Analysis

Regulatory Impact Statement

21 Regulatory impact analysis requirements do not apply to this paper.

Climate Implications of Policy Assessment

22 A Climate Implications of Policy Assessment is not required for this paper.

Population Implications

23 There are no population implications associated with this paper.

Human Rights

24 There are no human rights implications associated with this paper.

Consultation

25 No agencies were consulted on this paper.

Communications

26 I intend to release the Panel's report in early August. The release will be accompanied by a media statement.

Proactive Release

27 I intend to proactively release this paper at the time of announcing the release of the Panel's report.

Recommendations

The Minister for the Environment recommends that the Committee:

1 note that in July 2019, Cabinet agreed to undertake a comprehensive review of the resource management system, led by an expert Resource Management Review Panel (the Panel) [ENV-19- MIN-0036]

- 2 **note** that the Panel has undertaken the review and delivered its report in accordance with the scope of the review and its terms of reference as agreed by Cabinet
- 3 **note** that the Minister for the Environment intends to publicly release the Panel's report in early August
- 4 **note** that the incoming government will make all decisions about how to progress the findings of the review.

Authorised for lodgement

Hon David Parker

Minister for the Environment

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**Appendix 1: Summary of the report and the key recommendations of the
Resource Management Review Panel**

- See separate document

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Appendix 1: Summary of the report and the key recommendations of the Resource Management Review Panel

Summary of the report

Aims of the review

The Resource Management Review Panel was appointed by the Minister for the Environment, the Hon David Parker, to undertake a comprehensive review of the resource management system in New Zealand. The main focus was the Resource Management Act (the RMA) but we were also asked to review the relationship between the RMA, the Local Government Act (LGA), the Land Transport Management Act (LTMA) and the Climate Change Response Act (CCRA).

The specific aim of the review under our terms of reference was to improve environmental outcomes and better enable urban and other development within environmental limits.

This summary outlines the principal reasons which led to the review and the main recommendations in our report. The more detailed recommendations follow this summary but the report itself should be read for a full understanding.

The drivers of the review

The key concerns prompting the review include:

- **New Zealand's natural environment is under significant pressure:** the way we use land and water has proved to be unsustainable for the natural environment. The quality of our freshwater, coastal and marine environments is in serious decline, and biodiversity is under significant threat.
- **Urban areas are struggling to keep pace with population growth:** poorly managed urban growth has led to increasing difficulty in providing affordable housing, worsening traffic congestion, greater pollution, and reduced productivity.
- **An urgent need to reduce carbon emissions and adapt to climate change:** the impacts of climate change are already affecting where people live and how we use our environment. Our land and resource use patterns need to change to mitigate and adapt to the effects of climate change and we need a resource management system that supports New Zealand's commitments to reduce greenhouse gas emissions.
- **The need to ensure that Māori have an effective role in the system, consistent with the principles of Te Tiriti o Waitangi:** when it was enacted, the RMA was a significant step forward for Māori, offering opportunities for shared management of the environment. However, it has failed to live up to its promise, leaving Māori out of critical decision-making.
- **The need to improve system efficiency and effectiveness:** significant criticisms of the RMA have been its increasing complexity, cost and delay caused by its processes, uncertainty, and lack of responsiveness to changing circumstances and demands.

The need for new legislation

When the RMA was introduced in 1991 it contained a number of valuable principles which it is important to retain. One of these was the principle of sustainability to ensure the needs of future generations are taken into account. However, in the ensuing period of nearly 30 years, the RMA has been subjected to numerous amendments designed to improve its effectiveness but which have instead resulted in a doubling of its original length and an unduly complex patchwork of provisions.

Rather than attempt to amend the RMA, the Panel has concluded that the Act should be repealed and replaced with new legislation which we propose be named the Natural and Built Environments Act (NBEA). This would have a substantially different approach from the RMA but would also incorporate some of the key principles of the previous legislation which remain appropriate. The aim of the NBEA would be to establish more enduring solutions and bring to an end the series of ad hoc interventions that have been an undesirable feature of legislative change to date.

The Panel has also recommended a new separate piece of legislation which we have called the Strategic Planning Act. The purpose of the Strategic Planning Act would be to set long-term strategic goals and facilitate the integration of legislative functions across the resource management system. These would include functions exercised under the NBEA, the LGA, the LTMA and the CCRA to enable land and resource planning to be better integrated with the provision of infrastructure as well as associated funding and investment. Our consultation found strong support for greater use of spatial planning to identify areas suitable for development as well as areas or features it is important to protect. Spatial strategies developed at regional level, encompassing land and the coastal marine area, would play a critical part in delivering the outcomes intended for the resource management system.

The preparation and approval of strategic plans under this new legislation would be the responsibility of a joint committee comprising representatives of central and local government as well as mana whenua.

We expect this new approach to result in stronger coordination between these parties in developing long-term strategic planning for both the natural and built environments, with closer links between land and resource planning and associated funding and investment.

Revised purpose and principles for the NBEA

One criticism of the purpose of the RMA has been its focus on managing the adverse effects of activities on the environment rather than promoting more positive outcomes. The Panel proposes a new purpose for the NBEA: enhancing the quality of the environment to support the wellbeing of present and future generations. That purpose will be achieved by promoting positive outcomes for both the natural and built environments, ensuring that use, development and protection of resources only occurs within prescribed environmental limits and that the adverse effects of activities on the environment are avoided, remedied or mitigated.

A further purpose of the NBEA would be to recognise the concept of Te Mana o te Taiao which is an expression of the importance of maintaining the health of air, water, soil and ecosystems and their capacity to sustain life. A similar concept is already incorporated in section 5(2)(b) of the RMA.

The concept of wellbeing has long been embedded in planning legislation and is also a feature of other legislation including the LGA. In the new legislation it would continue to be widely defined to include social, economic, environmental and cultural wellbeing as well as health and safety. The environment would also be broadly defined to include the natural and built environments, whether in rural or urban areas.

In brief, the revised purpose and principles would establish a system designed to deliver specified positive outcomes for both the natural and built environments. The use and development of resources would be enabled so long as this can be achieved sustainably and within prescribed minimum limits to protect natural resources such as water, air, soils and natural habitats. The new legislation would also require the setting of targets to achieve ongoing improvement of the quality of both the natural and built environments.

Protecting and enhancing the natural environment

The revised purpose and principles under the NBEA now recognise an expanded range of outcomes that are to be provided for in respect of both the natural and built environments. Those relating to the natural environment include many of the features recognised under the RMA such as the protection of the coastal environment, wetlands, lakes and rivers, outstanding natural landscapes, improving the health of ecosystems and avoiding further loss of biological diversity. To improve certainty, the new Act requires the Minister to identify through national direction natural features that are of national significance. Regional councils would identify features that are of regional significance.

In addition, we have proposed the setting of mandatory environmental limits (sometimes referred to as bottom lines) for biophysical aspects of the environment including freshwater, coastal water, air, soil and habitats for indigenous species.

We expect the changes we propose in the NBEA will provide a greater level of protection for features of the natural environment which we know are highly valued by New Zealanders and, over time, for the restoration of resources such as our waterways which have become degraded.

Managing urban growth

Another criticism of the RMA has been the lack of provision for managing urban growth. This has become particularly urgent in larger urban areas experiencing substantial increases in population but insufficient capacity to accommodate growth. The Panel proposes this be addressed in several ways. The revised purpose and principles of the NBEA will provide for specific outcomes for the built environment, including the availability of development capacity for housing and business purposes to meet expected demands, and the strategic integration of infrastructure with land use.

These outcomes would be supported by the use of national policy statements such as those currently in use, the greater use of economic instruments and, importantly, by the Strategic Planning Act we propose. We expect that spatial strategies prepared on a regional basis under the Strategic Planning Act would identify areas suitable for urban growth (as well as areas not suitable for development) and would also facilitate the provision of infrastructure necessary to support growth. Effective ways to achieve this integration have been a missing element of the resource management system to date.

The new purpose and principles under the NBEA would further improve certainty in the resource management system by requiring the resolution of any potential conflicts between the identified outcomes through national direction by the Minister for the Environment or in the combined plans we propose at local government level.

The effects of climate change

The need to address the effects of climate change has been a particular focus of the Panel's work. The Panel has concluded that the resource management system should complement the CCRA and the emissions trading scheme to help New Zealand achieve the agreed targets for reduction of greenhouse gas emissions. As well, the resource management system needs to enable adaptation to the impacts of climate change and reduction of risk from natural hazards.

The Panel has recommended these issues be addressed in a number of ways, including by providing outcomes in the purpose and principles of the NBEA designed to reduce risks from natural hazards, improve resilience, reduce greenhouse gas emissions, promote activities that mitigate emissions or sequester carbon and to increase the use of renewable energy. This would be supported by mandatory national direction and through combined plans at local government level. We also expect the regional spatial strategies developed under the proposed Strategic Planning Act will be an important means of identifying areas at risk of inundation as well as climate change mitigation measures consistent with the CCRA.

Finally, we propose a new discrete piece of legislation which we have called the Managed Retreat and Climate Change Adaptation Act. This would establish an adaptation fund to enable central and local government to support necessary steps to address the effects of climate change and would also deal with the many complex legal and technical issues involved in the process of managed retreat.

We expect these recommendations to result in a much improved and better co-ordinated response to these challenges.

Improving engagement with Māori

Our consultation processes have highlighted the need for a significantly greater role for Māori in the resource management system.

In the revised purpose and principles for the NBEA we have recommended that those involved in the administration of the legislation should give effect to the principles of Te Tiriti o Waitangi rather than taking them into account as currently provided in the RMA. To provide clarity about what this means in the context of the NBEA, the Panel has recommended that the Minister for the Environment be required to give national direction on how the principles of Te Tiriti will be given effect through functions and powers exercised under the NBEA.

The Panel is also recommending that mana whenua should participate in decision-making for the proposed regional strategic plans and in the making of combined plans at local government level. These are important changes that will give Māori an effective role in decision-making on resource management issues at a strategic level.

The Panel has also recommended the creation of a National Māori Advisory Board to advise central and local government on resource management from the perspective of mana whenua

and an integrated partnership process between mana whenua and local government to address resource management issues at local government level.

We expect the combination of these provisions to provide a significant and effective role for Māori in the resource management system.

System efficiency and effectiveness

In our report we have highlighted deficiencies in the resource management system, including undue complexity and inefficient processes leading to unnecessary expense and delay. We have also commented on the provisions of the RMA tending to favour the status quo and which hinder the ability of the system to respond to change.

To address these issues, we have proposed:

- greater use of mandatory national direction by the Minister for the Environment to guide planning at local government level
- the use of combined plans which would bring together the plans prepared by regional councils and territorial authorities in each region
- a more streamlined process for the preparation and change of plans
- a much greater focus on the quality of plans which is expected to provide clearer guidance and a reduction in the time and effort spent on individual resource consent processes
- providing greater clarity about notification of resource consent applications
- an alternative process to deal with resource consents raising localised issues such as boundary issues between neighbours
- an improved ability to have more serious disputes over consents referred directly to the Environment Court
- improvements in the designation process including extending the default lapse period to better protect opportunities for the provision of public infrastructure
- a wider range of mechanisms guided by specified principles to allocate resources such as freshwater and the use of coastal space
- more focus on the use of economic instruments to complement regulatory land use controls
- enhancing the ability of regional councils to modify or extinguish resource consents for natural resources such as discharges into fresh water where environmental limits are threatened
- giving territorial authorities the ability to change land use consents in narrowly defined circumstances, such as where necessary to implement a managed retreat process as part of adapting to climate change
- improving enforcement under the resource management system, including the use of regional hubs to co-ordinate enforcement effort in each region and introducing stronger penalties for offences

- improving monitoring and oversight of the resource management system, including through a new national environmental monitoring system and an enhanced audit and reporting function for the Parliamentary Commissioner for the Environment.

Perhaps the greatest single process change is our proposal for mandatory combined plans in each region. At present there are well in excess of 100 policy statements and plans in existence throughout the country. Under our proposal for combined plans, the number of plans would reduce to just 14. Preparation of these combined plans would be undertaken by a joint committee comprising representatives of the regional council, the constituent territorial authorities in the region along with representatives of mana whenua. The Ministry for the Environment would have an auditing role to ensure quality and consistency.

An independent panel, chaired by a sitting Environment Judge, would hear submissions, review the combined plan and make recommendations on its provisions. Decisions would then be made by the joint committee, and a streamlined appeal process would follow based on the model recently used for the Auckland Unitary Plan.

Our proposals for plan making are expected to have significant beneficial results:

- a simplified and more efficient process
- better quality plans
- the resolution of uncertainty arising from overlapping functions of regional councils and territorial authorities
- greater clarity in plans including by minimising potential conflicts between the outcomes specified in the purpose and principles of the NBEA
- fewer resource consent applications as a result of clearer guidance in plans.

Next steps

Cabinet is responsible for making all decisions about how to progress the Panel's report and recommendations. Cabinet has indicated that a broad, open process of public consultation will follow its consideration of the Panel's proposals. Wide engagement with New Zealanders and stakeholders is anticipated for the introduction of any new legislation.

Hon Tony Randerson QC, Chair
Amelia Linzey
Dean Kimpton
Kevin Prime
Rachel Brooking
Raewyn Peart

Summary of key recommendations

Chapter 1 Integrating land use planning and environmental protection

Key recommendation – Integrating land use planning and environmental protection

- 1 An integrated approach for land use planning and environmental protection, encompassing both the built and the natural environments, should be retained in reformed legislation.

Chapter 2 Purpose and principles

Key recommendations – Purpose and principles

- 1 The RMA should be repealed and replaced with new legislation to be called the Natural and Built Environments Act.
- 2 The purpose of the Natural and Built Environments Act should be to enhance the quality of the natural and built environments to support the wellbeing of present and future generations and to recognise the concept of Te Mana o te Taiao.
- 3 The purpose of the Act should be achieved by ensuring: positive outcomes for the environment are promoted; the use, development and protection of natural and built environments is within environmental limits; and the adverse effects of activities on the environment are avoided, remedied or mitigated.
- 4 The environment should be defined broadly to include:
 - (i) ecosystems and their constituent parts
 - (ii) people and communities
 - (iii) natural and built environments whether in urban or rural areas.
- 5 There should be a requirement to give effect to the principles of Te Tiriti o Waitangi.
- 6 Current matters of national importance should be replaced by positive outcomes specified for the natural and built environments, rural areas, tikanga Māori, historic heritage, and natural hazards and the response to climate change.
- 7 Mandatory environmental limits should be specified for certain biophysical aspects of the environment including freshwater, coastal water, air, soil and habitats for indigenous species.
- 8 Ministers and local authorities should be required to set targets to achieve continuing progress towards achieving the outcomes.
- 9 There should be greater use of mandatory national direction, including the identification of features and characteristics that contribute to the quality of both natural and built environments, and to respond to climate change.
- 10 Principles to guide implementation should be identified.
- 11 Any conflicts in achieving the outcomes should be resolved through national direction or, in the absence of such direction, in combined plans.

Key recommendations – Purpose and principles

- 12 Indicative drafting of the new purpose and principles identified in this chapter along with associated definitions are provided in appendix 1 of this report.

Chapter 3 Te Tiriti me te ao Māori

Key recommendations - Te Tiriti o Waitangi me te ao Māori

- 1 The concept of 'Te Mana o te Taiao', should be introduced into the purpose of the Natural and Built Environments Act to recognise our shared environmental ethic.
- 2 Specific outcomes should be provided for 'Tikanga Māori', including for the relationships of mana whenua with cultural landscapes.
- 3 The current Treaty clause should be changed so that decision-makers under the Act are required to 'give effect to' the principles of Te Tiriti o Waitangi.
- 4 A national policy statement should be required on how the principles of Te Tiriti will be given effect through functions and powers exercised under the Act.
- 5 A more effective strategic role for Māori in the system should be provided for, including representation of mana whenua on regional spatial planning and joint planning committees.
- 6 A National Māori Advisory Board should be established to monitor the performance of central and local government in giving effect to Te Tiriti and other functions identified in the report.
- 7 The current Mana Whakahono ā Rohe provisions should be enhanced to provide for an integrated partnership process between mana whenua and local government to address resource management issues.
- 8 The current legislative barriers to using the transfer of power provisions and joint management agreements should be removed and there should be a positive obligation on local authorities to investigate opportunities for their use.
- 9 The current definitions of the terms 'iwi authority' and 'tangata whenua' should be replaced with a new definition for 'mana whenua'.
- 10 Provision should be made for payment of reasonable costs where Māori are undertaking resource management duties and functions in the public interest.
- 11 The funding and support options recommended in this chapter should be implemented.

Chapter 4 Strategic integration and spatial planning

Key recommendations - Strategic integration and spatial planning

- 1 There should be a new Strategic Planning Act to promote the social, economic, environmental and cultural wellbeing of present and future generations through the long-term strategic integration of functions exercised under the Natural and Built Environments Act, LGA, LTMA and CCRA.
- 2 The Strategic Planning Act should provide a framework for mandatory regional spatial planning for both land and the coastal marine area.

Key recommendations - Strategic integration and spatial planning

- 3 Regional spatial strategies should set long-term objectives for urban growth and land use change, responding to climate change, and identifying areas inappropriate to develop for reasons such as their natural values or their importance to Māori.
- 4 There should be flexibility for:
 - (i) the responsible Minister to determine sequencing, timing and priorities for preparation of these strategies
 - (ii) spatial strategies to cover two or more regions or to focus on sub-regions in response to particular issues.
- 5 Regional spatial strategies should set a strategic direction for at least the next 30 years, informed by longer-term data and evidence as appropriate, such as 100 year plus projections for climate change.
- 6 Regional spatial strategies should be strategic and high level with project and site-level detail provided through separate implementation agreements and subsequent combined planning and funding processes.
- 7 Regional spatial strategies should be prepared and approved by a joint committee comprising representatives of central government, the regional council, all constituent territorial authorities in the region, mana whenua and an independent chair.
- 8 There should be significant stakeholder and community involvement in the preparation of these strategies, including through public submissions and a process similar to the special consultative procedure under the Local Government Act.
- 9 Joint committees should seek consensus, but dispute resolution procedures should be provided including a facilitated mediation process and power for the Minister to resolve any remaining disputes.
- 10 Regional spatial strategies should be consistent with national direction under the Natural and Built Environments Act.
- 11 Combined plans and regional and local funding plans should be consistent with spatial strategies.
- 12 Regional spatial strategies should be fully reviewed at least every nine years with flexibility for review within that period when required.

Chapter 5 A more responsive system: addressing status quo bias

Key recommendations – A more responsive system

- 1 The principles that should guide the design of a more responsive resource management system are:
 - (i) sustainability
 - (ii) fairness and equity
 - (iii) early notice and adequate time for transition
 - (iv) balancing responsiveness with certainty for investment.
- These principles are reflected in the recommendations in chapter 6 Climate change and natural hazards, chapter 7 National direction, chapter 8 Policy and planning framework,

chapter 9 Consents and approvals and chapter 11 Allocation of resources and economic instruments.

- 2 The protections generally afforded to existing uses and consented activities should be retained except that:
 - (i) the powers of regional councils to modify or extinguish regional consents should be strengthened to achieve agreed outcomes and be more responsive to change
 - (ii) the powers of territorial authorities should be extended to enable them to modify or extinguish existing land uses and land use consents in specific circumstances. These should be confined to:
 - a) where necessary to adapt to the effects of climate change or to reduce risks from natural hazards or
 - b) where there is high risk of significant harm or damage to health, property or the natural environment, for example by the breach of an environmental limit.

Chapter 6 Climate change and natural hazards

Key recommendations – Climate change and natural hazards

- 1 Introduce outcomes for the following matters in the purpose and principles of the proposed Natural and Built Environments Act:
 - (i) reduction of risks from natural hazards
 - (ii) improved resilience to the effects of climate change, including through adaptation
 - (iii) reduction of greenhouse gas emissions
 - (iv) promotion of activities that mitigate emissions or sequester carbon
 - (v) increased use of renewable energy.
- 2 Require mandatory national direction for:
 - (i) climate change mitigation consistent with the emissions reduction plan under the CCRA and in a way that aligns with and supports emissions pricing
 - (ii) climate change adaptation and reduction of risks from natural hazards consistent with the national climate change risk assessment and national adaptation plan under the CCRA.
- 3 Use regional spatial strategies developed under the proposed Strategic Planning Act to address at a strategic level:
 - (i) climate change mitigation, informed by the emissions reduction plan under the CCRA
 - (ii) climate change adaptation and natural hazard risk reduction, informed by the national adaptation plan under the CCRA.
- 4 Include reducing greenhouse gas emissions, climate change adaptation and reducing risks from natural hazards in the functions and powers of both regional councils and territorial authorities under the proposed Natural and Built Environments Act.
- 5 Use combined plans to regulate land and resource use to give effect to the national direction and implement spatial strategies. This would include provisions under the proposed Natural and Built Environments Act to allow for adaptive planning measures.

- 6 Clarify powers under the Natural and Built Environments Act to modify established land uses to address climate change adaptation and reduction of risks from natural hazards.
- 7 Introduce a Managed Retreat and Climate Change Adaptation Act to:
 - (i) provide for managed retreat, powers to change established land uses and to address liability and options for potential compensation
 - (ii) establish an adaptation fund to enable central and local government to support necessary steps to address climate change adaptation and reduction of risks from natural hazards.

Chapter 7 National direction

Key recommendations – National direction

- 1 The current forms of national direction should be retained: national policy statements, national environmental standards, national planning standards and regulations.
- 2 The present functions of the Minister for the Environment and the Minister of Conservation should be continued, including the mandatory requirement for a New Zealand Coastal Policy Statement.
- 3 The purpose for national direction should be setting objectives, policies, limits, targets, standards and methods in respect of matters of national significance to give effect to the purpose and principles in the Natural and Built Environments Act and to resolve any conflicts between these matters.
- 4 Mandatory national direction should be required on the topics specified in section 9(3) of the purpose and principles of the Natural and Built Environments Act.
- 5 The power for the Minister for the Environment to issue discretionary national directions should be retained with some modification of the matters to be taken into account before deciding whether to do so.
- 6 There should be a single board of inquiry process for the preparation and review of both national policy statements and national environmental standards, except for minor changes for which an alternative process can be adopted.
- 7 All existing and new national direction should be brought together into a coherent combined set and any conflicts between them resolved.
- 8 National directions should be reviewed every nine years but intermediate changes should also be allowed for as necessary.
- 9 The respective roles of national policy statements and national environmental standards should be clarified and provision should be made for them to be issued separately or in a single instrument.
- 10 The making of regulations should generally be confined to their traditional role of dealing with administrative matters but regulations to address substantive issues should be allowed in limited circumstances and subject to appropriate safeguards.
- 11 National planning standards should have a more confined role and should be established by a process overseen by an expert advisory group which would make recommendations to the Minister for the Environment.

- 12 To improve responsiveness to national direction:
 - (i) the ability to review existing regional permits and consents should be strengthened
 - (ii) land use consents granted by territorial authorities and existing land use rights should be able to be reviewed but only in exceptional circumstances. These should be confined to:
 - (a) where necessary to adapt to the effects of climate change or to reduce risks from natural hazards, or
 - (b) where there is high risk of significant harm or damage to health, property or the natural environment, for example by the breach of an environmental limit.

Chapter 8 Policy and planning framework

Key recommendations - Policy and planning framework

- 1 There should be a mandatory plan for each region combining regional policy statements and regional and district plans.
- 2 The functions of regional councils and territorial authorities should be clarified in the way described in this chapter.
- 3 The combined plans should be prepared by a joint committee comprising a representative of the Minister of Conservation and representatives of:
 - (i) the regional council
 - (ii) each constituent territorial authority in the region
 - (iii) mana whenua.
- 4 The role of combined plans in the new system should be to demonstrate how the outcomes set out in the purpose of the Natural and Built Environments Act will be delivered in a region, including resolution of any conflicts or tensions between outcomes (if not resolved through national direction).
- 5 The joint committee should have authority to prepare and notify the combined plan and to make all decisions relating to the plan and subsequent processes without the need for ratification by the constituent local authorities.
- 6 The joint committee and the secretariat supporting it should be funded by the constituent local authorities.
- 7 The evaluation process currently undertaken under section 32 of the RMA should be retained under the Natural and Built Environments Act but should be modified in the way described in this chapter.
- 8 Prior to notification the Ministry for the Environment should undertake an audit of the plan.
- 9 After notification and receipt of submissions by interested parties, including the constituent local authorities and mana whenua, a hearing should be conducted by an independent hearing panel chaired by an Environment Judge.
- 10 The independent hearing panel should make recommendations to the joint committee which should have authority to decide which recommendations to accept or reject.

- 11 In respect of any recommendation rejected by the joint committee there should be a right of appeal to the Environment Court on the merits by any submitter. Where recommendations are accepted by the joint committee the right of appeal should be to the High Court and limited to questions of law.
- 12 This process should also apply to plan changes with some variation to account for the nature, scale and complexity of the change.
- 13 The preparation of combined plans should usually be undertaken after the preparation of a spatial strategy for the relevant region and reviewed at least every nine years with flexibility to review more often.
- 14 Private plan changes should still be possible but with greater constraints on when and in what circumstances that may occur.
- 15 These new provisions should replace all plan-making processes available under current legislation including the current Schedule 1 process, and streamlined processes and collaborative planning.

Chapter 9 Consents and approvals

Key recommendations - Consents and approvals

- 1 Current resource consent types should remain: land use and subdivision consents, and water, discharge and coastal permits.
- 2 The current list of activities should remain, except for the non-complying category which should be removed.
- 3 The current rules on notification of consent applications should be substantially changed by removing the 'no more than minor' effects threshold and replacing existing provisions with a combination of presumptions and plan provisions specifying when notification is to occur and in what form.
- 4 Information requirements should be proportionate to the nature, scale and complexity of the issue.
- 5 The matters to be considered on an application for resource consent should be amended in various respects including shifting the focus to identified outcomes and removing the 'subject to Part 2' reference and the permitted baseline test.
- 6 The direct referral process should be modified. Where the relevant consent authority declines to consent to the referral the Environment Court should be permitted to approve direct referrals on stated criteria.
- 7 An alternative dispute resolution process should be established for controlled or restricted discretionary activities in prescribed circumstances. Parties to the process should still be able to exercise rights of appeal but only by leave of the Environment Court.
- 8 An 'open portal' for consent applications should be established to coordinate agency responses and encourage the bundling of applications.
- 9 Proposals of national significance should remain but with a simplified process involving Ministerial referral to the Environment Court in accordance with prescribed criteria.

Chapter 10 Designations, heritage and water conservation orders

Key recommendations - Designations

- 1 Eligibility to exercise designation powers should be centred on public-good purposes.
- 2 Those eligible should include:
 - (i) a list of approved requiring authorities in the legislation: Ministers of the Crown, local authorities, and network utility operators that meet specified criteria
 - (ii) other requiring authorities approved by the Minister for the Environment based on specified criteria.
- 3 A new default lapse period of 10 years should be available for all designations, with extensions of up to another 10 years subject to specified criteria.
- 4 There should be two stages in the designation process:
 - (i) a notice of requirement defining the designation footprint
 - (ii) a construction and implementation plan confined to addressing construction and operational effects.
- 5 Flexibility to combine these two stages should be provided.
- 6 The relevant considerations for a designation requirement should be modified to also include:
 - (i) consistency with the regional spatial strategy
 - (ii) its contribution to the outcomes identified in the Act, any national direction and the combined plan
 - (iii) the opportunity for co-location of infrastructure within the designation.
- 7 Requiring authorities should prepare a construction and implementation plan. This should consider the environmental effects of the construction and implementation of the work and the appropriate controls to manage those effects.
- 8 Notices of requirement should continue to be publicly notified with appeal rights retained.
- 9 The construction and implementation plan should be available for public and territorial authority comment prior to construction works commencing.
- 10 Consideration should be given to extending designations into the coastal marine area.

Key recommendations - Heritage orders

- 11 The Ministry of Culture and Heritage should continue its Strengthening Heritage Protection project as part of resource management reform. This work should include
 - (i) investigating potential provisions for national direction on heritage
 - (ii) reviewing heritage order provisions
 - (iii) exploring options for dealing with 'demolition by neglect' issues.
- 12 This work should also investigate the interface between the Natural and Built Environments Act and the Heritage New Zealand Pouhere Taonga Act 2014 to provide greater clarity about which agency has primary responsibility for which aspects of heritage protection.

Key recommendations - Designations

- 13 Subject to the outcomes of the review above one option for heritage orders could be to provide interim protection for a heritage site while more enduring solutions are explored.

Key recommendations - Water conservation orders

- 14 We recommend that the water conservation order process should be included in the Natural and Built Environments Act, retaining the current purpose, but with the following changes:
 - (i) applications should be heard by the Environment Court in a one-stage process, with a draft order and recommendations made by the Court and referred to the Minister for the Environment for final decision-making
 - (ii) applications should include a statement of proposed changes to the relevant planning documents which would be required to give effect to the order
 - (iii) the Court's recommendations should include changes to relevant planning documents to give effect to the order
 - (iv) ministerial approval of the order would include changes to planning documents which would give direct effect to the order without further process
 - (v) hearings should be held at the closest practical location to the water body in question
 - (vi) the application and hearing process should include mana whenua
 - (vii) any relevant planning documents should 'give effect' to any order
 - (viii) once an order is made it should be a matter for consideration in any consent applications that may impact on the water body.
- 15 Further work should be undertaken by the Ministry for the Environment and the Department of Conservation to investigate and develop policy on the effectiveness of water conservation orders as discussed in this chapter.

Chapter 11 Allocation of resources and economic instruments

Key recommendations - Allocation of resources and economic instruments

- 1 The Natural and Built Environments Act should retain the current allocative functions for resources in the RMA.
- 2 Allocation principles of sustainability, efficiency and equity should be included in the new Act to provide greater clarity on the outcomes sought and a consistent framework for the development of more detailed measures.
- 3 The allocation principles should not be included in the purpose and principles of the Natural and Built Environments Act but should be in a part of the Act focused on allocation.
- 4 A combination of regulatory and market-based mechanisms is needed to allocate resources. These should be enabled under the Natural and Built Environments Act and developed in the context of specific resources through strategic planning, national direction and combined plans.

Key recommendations – Allocation of resources and economic instruments

- 5 To enable sustainable, efficient and equitable allocation of resources, the Natural and Built Environments Act should adopt a more balanced approach to the prioritisation of existing users in resource consent processes. This includes:
 - (i) encouraging shorter permit durations, with flexibility to provide longer-term permits for major infrastructure
 - (ii) providing stronger powers to review and change consent conditions
 - (iii) providing for a wider range of matters to be considered in consent renewal processes
 - (iv) providing powers to direct common expiry of permit terms.
- 6 To promote more competitive urban land markets, national direction should be used to require the use of data on urban land prices, analysis of regulatory stringency, and a clear and flexible approach to urban land use regulation.
- 7 Further work should be undertaken to explore the use of targeted rates to capture uplift in land values as a result of public works.
- 8 To encourage greater use of economic instruments:
 - (i) future legislation should ensure there is a broad mandate for the use of tradable rights and permits, incentives and environmental taxes and charges
 - (ii) central government should provide institutional support for the development and use of economic instruments by local authorities through a combination of national direction, guidance, and support for capability.

Chapter 12 System oversight

Key recommendations - National environmental monitoring system

- 1 The Ministry for the Environment should establish in consultation with other agencies a comprehensive, nationally coordinated environmental monitoring system with the following features:
 - (i) it should incorporate and build on the current National Monitoring System, with improvements to be more systematic about the data it collects and to make it easier for councils to use
 - (ii) it should be supported with sufficient resourcing to improve the capacity and capability of central and local government, including science and data capability.
- 2 The Minister for the Environment should provide national direction on how the system should be implemented, including national direction developed with Māori on how to incorporate Māori perspectives and mātauranga Māori into the system.
- 3 The Ministry for the Environment should be responsible for implementing the system and monitoring performance of the system at a national level.
- 4 Local authorities should continue to have primary responsibility for the collection of data and the monitoring of system performance at local government level.
- 5 Combined plans should provide for monitoring and reporting.

Key recommendations - Environmental reporting

- 6 The Ministry for the Environment and the Government Statistician should continue to be responsible for regular reporting to the Minister for the Environment on environmental outcomes at a national level.
- 7 There should be clear links between the Natural and Built Environments Act and Environmental Reporting Act.
- 8 Local authorities should be required to report regularly to the Ministry for the Environment on the state of the environment in their regions and districts.
- 9 Reports on the state of the environment should be made publicly available.

Key recommendations - Oversight of system performance

- 10 The Ministry for the Environment should have primary responsibility for oversight of the effectiveness of the resource management system, including the effectiveness of the Natural and Built Environments Act and national direction made under it.
- 11 The combined planning joint committees should have oversight of the performance and effectiveness of combined plans.

Key recommendations - Auditing of system performance and responding to evidence of poor outcomes

- 12 The Parliamentary Commissioner for the Environment's role should be expanded to include a more formalised and independent auditing and oversight role of the performance and effectiveness of the resource management system and on the state of the environment.
- 13 The Parliamentary Commissioner for the Environment should be required to provide regular reports to Parliament on the performance and effectiveness of the resource management system and on the state of the environment.
- 14 These reports should be made publicly available and the Minister for the Environment should be required to identify steps to be taken to respond to issues identified.
- 15 Local authorities should also be required to state how they will respond to issues identified that relate to their regions and districts.

Chapter 13 Compliance, monitoring and enforcement

Key recommendations - Compliance, monitoring and enforcement

- 1 System links should be established between compliance monitoring, state of the environment monitoring and monitoring progress towards outcomes.
- 2 New regional hubs should be established to undertake resource management compliance, monitoring and enforcement options.
- 3 The offence and penalties regime should be strengthened, including by:
 - (i) increasing the maximum financial penalties
 - (ii) deterring offending by extending the circumstances in which commercial gain may be taken into account in sentencing

Key recommendations - Compliance, monitoring and enforcement

- (iii) adjusting the maximum imprisonment term so most prosecutions may be heard as judge-alone trials
 - (iv) prohibiting insurance for fines and infringement fees under the Natural and Built Environments Act
 - (v) enabling creative sentencing options
 - (vi) developing new Solicitor-General prosecution guidelines for environmental cases.
- 4 A number of new compliance, monitoring and enforcement measures should be introduced and existing measures improved, including by
- (i) enabling regulators to recover costs associated with permitted activity and unauthorised activity monitoring
 - (ii) amending the power to require disclosure of information about those carrying out the allegedly contravening activity
 - (iii) creating a new offence for contravention of a condition of consent
 - (iv) enabling abatement notices for the contravention of a consent notice, or any covenant imposed by condition of consent
 - (v) establishing a new power to allow a regulator to apply for a consent revocation order in response to serious or repeated non-compliance
 - (vi) providing for enforcement of undertakings.

Chapter 14 Institutional roles and responsibilities

Key recommendations – Institutional roles and responsibilities

- 1 Additional resourcing should be provided to the Ministry for the Environment to undertake its expanded role, including providing support for local authorities and mana whenua.
- 2 Additional resources should be provided to the Office of the Parliamentary Commissioner for the Environment to enable the Office to undertake expanded oversight and auditing roles.
- 3 Participation by mana whenua in resource management processes should be supported by central government and local government funding and capability-building assistance.
- 4 The Ministry for the Environment should work with professional institutes and organisations to ensure those administering the reformed RMA are appropriately equipped and upskilled to implement it.
- 5 The Ministry for the Environment should provide easily accessible public guidance on all the essential aspects of a reformed RMA.
- 6 A climate change adaptation fund should be established, and hazard risk management guidance provided by central government, to enable local authorities to take pre-emptive adaptation action on climate change effects.

Key recommendations – Environment Court

- 7 A sitting or retired Environment Judge should chair boards of inquiry on proposed national direction.
- 8 A sitting Environment Judge should chair independent hearing panels considering combined plans.
- 9 The Environment Court should continue to have all its present jurisdiction and a new appellate role in the combined plan/independent hearing panel process.
- 10 The Environment Court should hear all applications for proposals of national significance.
- 11 Consideration should be given to a potential role for the Environment Court under separate legislation on managed retreat.
- 12 The changes recommended in this chapter to improve access to justice should be adopted.
- 13 The number of judges, commissioners and registry staff at the Environment Court should be increased as necessary to ensure the Court has sufficient capacity to carry out the increased range of functions we propose.

Chapter 15 Reducing complexity

Key recommendation – Reducing complexity

- 1 The RMA should be repealed and replaced by the Natural and Built Environments Act to reduce complexity and improve overall coherence of the legislation.

Chapter 16 Transition to a reformed system

Key recommendations – Transition to a reformed system

- 1 Work on developing transitional arrangements as part of implementing the reforms we propose in this report will need to balance stability and a smooth transition with implementation of the reforms as soon as practicable.
- 2 The key components of the transition are:
 - (i) the timing and sequencing of national direction, regional spatial strategies and combined plans
 - (ii) the impact on existing processes, consents and activities under the RMA
 - (iii) the financial and resourcing implications to develop and implement the reformed system
 - (iv) supporting the change in culture.
- 3 Work should commence as soon as possible on the preparation of the Strategic Planning Act, the Natural and Built Environments Act and the Managed Retreat and Climate Change Adaptation Act.
- 4 The Strategic Planning Act should come into effect before or at the same time as the Natural and Built Environments Act, but the Managed Retreat and Climate Change Adaptation Act could come later.
- 5 The new legislation for the reforms we propose should be in place by the time the proposed COVID-19 recovery legislation expires.

Key recommendations – Transition to a reformed system

- 6 We would expect mandatory national directions to be completed within three years of the introduction of the Natural and Built Environments Act.
- 7 We would expect the overall transition process to be completed within ten years of the introduction of the Strategic Planning Act and the Natural and Built Environments Act.
- 8 Some work should commence immediately, such as data collection and analysis to establish a robust evidence base for setting targets and limits.
- 9 The Minister should select one region to develop the first regional spatial strategy, followed by development of the combined plan, to provide a model for other regions to follow.

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RM Reform: MfE Governance Board

2 July 2020 meeting, 2pm, EH4A and Teams

Attendees: Janine Smith, Natasha Lewis, Jeremy Corban, Kevin Guerin, Michelle Pawson, Lesley Baddon, Simon King, Justin Strang

Proposed agenda and papers:

1. Highlights of the last week – for information (and discussion if any questions/concerns)
2. Draft Governance Board Terms of Reference – for discussion and decision
3. Approach to internal engagement – for discussion and decision
4. Approach to inter-agency engagement – for discussion and decision
5. Approach to engagement with Māori – for discussion and decision
6. Programme plan – for discussion and decision
7. Agenda for next meeting – what would you like to discuss?
Key points and actions from 24 June meeting

Item 1: Highlights of the last fortnight

s 9(2)(f)(iv)

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Item 3: Approach to internal engagement to October 2020

Purpose: This paper seeks approval to our approach to MfE's internal engagement on the resource management system reform until initial briefings to the incoming Government are delivered in October.

Scope

This paper covers engagement within MfE only. It does not cover engagement cross-Government, with Māori or other system partners or stakeholders (e.g. local government, PCE).

What is the work within MfE seeking to achieve?

We seek to achieve:

- One MfE view on:
 - RM system reform policy proposals (e.g. scope, priorities, impact, workability, transition) (Panel's report and subsequent work)
 - Approach to progressing RM system reform (e.g. timetable, phasing, legislative design, engagement with Māori and local government)
- Alignment of policy and work programmes (as they intersect with RM system reform)
- Conflicts between direction of RM system reform and other work programmes identified early and resolved
- Options for a new Government on RM system reform are clear on resourcing and other organisational implications across MfE.

Internal engagement and levels

The following is informed by analysis that has looked across all Directorates to understand how the RM system reforms may interact with them. This has highlighted that RM system reform has the potential to impact, be of interest and/or need to be aligned with much of the MfE's work programme.

Core collaborators

Our mapping of work across MfE has identified the following areas as particularly vital in being a core part of our process and discussions over the next three months:

- Environmental Monitoring and Reporting System reforms and the Ministry's core science capability
- Fresh water, in particular work on allocation and rights and interests
- Environmental responsibility framework
- Climate adaptation
- The other parts of NABS (eg national direction, urban water, urban)

Discussions with these areas are ongoing as to how they can best be involved, and it is possible other areas may be identified as similarly core. Getting this right is not static or simple. It requires time from the right people across MfE, and those people taking joint responsibility with the RM system reform team to ensure appropriate connections are made, and wider teams are brought along. This process also has the potential to create efficiencies of process, avoid duplication and produce more comprehensive, informed advice. Therefore, we are working to ensure that these areas aren't "influencing" the MfE view on a future RM system, but are part of forming the MfE view.

While the specific ways in which each core collaborator area will be involved are different, for each it will be ongoing and multipronged involvement. For example, to ensure appropriate integration and

alignment with the Environmental Monitoring and Reporting System work programme, and to ensure we are providing advice on a system that will have the appropriate data, science including mātauranga, information underpinnings, we have and will continue to involve staff in Strategy and Stewardship in the following ways:

- Involvement in overarching system-level workshops, including the two held to date, and one in the next few days on the question of local government reform
- Specific workshops focussed on data, science, and environmental limits elements of the RM system
- Include one (potentially two) Strategy and Stewardship staff members in the targets and limits policy workstream
- Discussions on overall options and phasing
- Joining up our respective system mapping exercises, rather than undertaking these separately
- Collaborative drafting (or peer review) of advice.

Other areas

s 9(2)(f)(iv)



We can provide more full analysis across all Directorates to anyone who would like this, and can provide a more detailed plan in a few weeks if this is desired.

All-MfE: inform

We are working with internal communications to ensure we are appropriately keeping all of MfE informed, with an initial focus on the Panel report. We expect this will include Kōtahitanga, Vicky's newsletter, MfE live and recorded videos.

Directors

Following a very positive engagement with Directors on 25 June, we are establishing an internal group of Directors to run a few workshops with over the next three months. The group is self-nominated, but we expect will include Directors responsible for all core areas. The purpose of this group will be to ensure buy-in and input from different parts of MfE and to test and points of tensions across divisions that feed up through working level discussions. In light of this, in addition to specific workshops with this group of Directors, we will continue to periodically inform the entire Directors

RM system reform Governance Board

As explored in the Terms of Reference, this Governance Board has a key role. However, as you can see from the above, we are not expecting that this Board be the mechanism to build the MfE view.

Te Pūrengi

No specific engagement with Te Pūrengi is planned. We will take the direction of the Governance Board as to when and how we should engage with the full Te Pūrengi.

MfE governance groups

As discussed in the Terms of Reference, there are other internal MfE governance groups that will have a strong interest in this. We will continue to communicate with those involved in these other groups to ensure alignment and explore points where joint governance discussions and/or decisions may be required.

Item 4: Approach to inter-agency engagement until October 2020

Purpose: For discussion and a decision on our approach to MfE's inter-agency engagement on the resource management system reform until initial briefings to the incoming Government are delivered in October.

Scope

This paper covers engagement with central government policy agencies on the resource management system reform until initial advice to a new Government is delivered in October only. It does not cover engagement with Māori or other system partners or stakeholders (e.g. local government, NZPI)

What is the inter-agency engagement to achieve?

We seek to achieve:

- MfE BIM (or first substantive briefing) advice well informed by agency views (but not necessarily agreed) on:
 - RM system reform policy proposals (e.g. scope, priorities, impact, workability, transition) (Panel's report and subsequent work)
 - Approach to progressing RM system reform (e.g. timetable, engagement with Māori and local government)
 - agency work programmes, BIM advice and impact from Covid-19
- Agencies know what is going on and feel heard, and productive working relationships and information sharing culture sets us up for delivering RM system reform.

General approach to engagement

Our general approach to inter-agency engagement is:

- Open, inclusive and collaborative (when appropriate)
- Having clear plans, roles and responsibilities
- Regular and clear communication.

Inter-agency groups and levels

It is proposed to utilise the following groups. The MfE person responsible for attending and organising input to the respective group is listed:

- Existing Built and Urban System and Sustainability CE group (2-monthly) – Vicky Robertson
 - Role: To be kept informed, provide strategic feedback
- Existing Built and Urban System and Sustainability DCE group (monthly) – Janine Smith
 - Role: To be kept informed, provide strategic feedback
- New Director level group to be established in July – Lesley Baddon, Simon King
 - Role: To be kept informed, provide strategic feedback, providing resourcing and direction for the spatial planning/strategic integration work
- Existing inter-agency group – Ross Scrivener etc.
 - Role: To be kept informed, to provide detailed agency feedback, to work on spatial planning/strategic integration.

New Directors level group:

Agencies required:

- Treasury, Te Puni Kōkiri, Te Arawhiti, Ministry of Transport, Department of Internal Affairs, Ministry of Housing and Urban Development, Department of Conservation, Ministry of Primary Industries, Land Information NZ, (others?)

Initial proposal:

- Lesley is in initial discussions with MoT and HUD about a Directors' workshop in late July to bring together initial agency thinking for an incoming government including the impact of Covid-19 and their priority work programmes. If participants were from a sufficiently broad group of agencies this would help inform the future of the Urban Growth Agenda and RM system reform.

Inter-agency group is open to the following:

- State Services Commission, Treasury, Department of Prime Minister and Cabinet, Te Puni Kōkiri, Te Arawhiti, Ministry of Transport, Department of Internal Affairs, Ministry of Housing and Urban Development, Department of Conservation, Ministry of Primary Industries, Ministry of Business, Innovation and Employment, Ministry of Culture and Heritage, Kainga Ora, NZ Transport Agency, Land Information NZ, Environmental Protection Authority, Ministry of Health, Ministry of Education, office of Parliamentary Commissioner for the Environment (PCE to be excluded when discussing government advice) (others? MSD, MPP?).

Work stages for engagement

The preliminary stages we intend to engage with agencies on are below. Detail still needs to be worked through.

Timing	Forum	Aim
Mid-July	Email & meeting	Communicating MfE's approach until October and seeking feedback on our engagement plan with agencies
Late July	Workshop	Generating agency views on: <ul style="list-style-type: none"> • Covid-19 impacts on work programmes and BIMs • Scope of RM system reform (including mapping of system) • System reform outcomes and objectives framework
Late July / early August	Workshop	Panel report launch and getting agencies up to speed quickly
Late August	Email & Workshop	Generating agency views on RM system reform policies e.g.: <ul style="list-style-type: none"> • Policy proposals (limits, role of Māori, spatial planning etc.) • Legislative architecture (different acts, purpose etc.) • Culture, capability, capacity
Early September	Email & Workshop	Generating agency views on e.g.: <ul style="list-style-type: none"> • policy practicality, workability, impact, cost, transition etc. • reform staging and timetable

Item 5: Approach to engagement with Māori in upcoming phases of RM system reform

Decision sought: Agreement on how we engage with Māori in the next three months on:

1. Forming an MfE view on RM system reform
2. Developing our advice for an Incoming Government on how to engage with Māori on RM system reform for the time beyond September 2020.

Background

RM system reform is of significant interest to Māori, as it is fundamental to their ability to be good kaitiaki. It may be helpful to note:

- One of the Cabinet-agreed objectives of the Review is “A system that provides greater recognition of the Te Tiriti o Waitangi and te ao Māori throughout”
- The RM Review Panel (the Panel) undertook engagement with Māori during the development of their report. The Panel’s engagement approach included regional hui, engagement with settled Treaty groups that we have specific obligations to, meeting and discussing their thinking with expert individuals and groups in their approach.
- The Panel report makes recommendations as to how the system should be reformed to better provide for the Tiriti relationship and a meaningful role for Māori within the system.
- The formal next steps for the review process are yet to be set but Cabinet has agreed that they will include a “broad, open process for public consultation” and that “the Minister for the Environment will direct officials to look for appropriate opportunities to collaboratively refine and co-design policy options with Māori during the next phase of the review in line with Cabinet’s agreed Guidelines for Engaging with Māori”.
- Process design is fundamental to effective engagement with Māori and an essential precursor to achieving positive outcomes for the RM system reforms.

We are now at a point where we need to determine how to engage Māori in the development of the MfE view and in our development of options for how Māori should be engaged in the RM system reform beyond September 2020. Our thinking on this recognises “a key priority for the Ministry is Te Ao Māori. This means we work with our Treaty partner to advance Māori priorities for the environment and for environmental success,” and that Te Purengi aspires for MfE to be a public sector exemplar in how we engage with Māori. s 9(2)(g)(i)

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s 9(2)(g)(i)

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s 9(2)(f)(iv)

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s 9(2)(f)(iv)

s 9(2)(g)(i)

Proposed process for the MfE view on the future RM system (content):

s 9(2)(g)(i)

Within these boundaries, we are committed to doing the best we can using internal and cross-Government resources over the coming months. s 9(2)(f)(iv)

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s 9(2)(f)(iv)

Next steps

The decisions on this paper will form the basis of our ongoing planning and conversations. We will keep this governance board informed as appropriate, and will bring a paper for decisions in August on Māori engagement on the RM system reform: from September 2020 on.

Appendix 1: Post-election elements and phases that will need an agreed plan for engaging with Māori

The following is a non-exhaustive list of the specific elements and phases that we will be considering in our planning of medium-term engagement with Māori. s 9(2)(f)(iv)

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Item 6: Programme plan (please also see Excel file attached separately)

Purpose: For discussion and noting.

Notes on development of work programme

The attached work programme has been developed in discussion with RM directors, managers and key team members. The focus of the work programme is on ensuring the Ministry is in a position to advise the incoming Minister(s) on the options for reform of the resource management system and is ready to progress the reform programme once key decisions have been made.

The workstreams have been grouped as follows:

- Governance and reporting
- Developing the direction of reform – *the What*
- Developing the approach to the delivery of the reform – *the How*

Direction of reform

The main deliverable proposed for developing the direction for reform is a report on the options reform. A number of specific workstreams feed into development and analysis of the options:

- Identification of high-level options for reform, including consideration of:
 - Legislative design
 - Local government role and structure
 - Treaty and role with Māori
- Testing the RM review panel's proposals, both with external and internal groups
- Impact analysis, including the implications of reform for capacity, culture and capability; the impact of COVID-19; and the costs of a reformed resource management system and options for funding
- Policy inputs

Workshops ('sprints') are planned with relevant team members to develop the options over the next two weeks. The options development will inform the BIM.

Delivery of reform

The delivery workstream has been subdivided into partnership, engagement and programme planning. Reflecting the collaborative partnerships envisaged across the resource management system needed for effective reform, a purposeful approach to developing these partnerships is needed from the start. This encompasses both the partnership with Māori as Treaty and system partner, and collaboration with other system partners such as local government, the Environment Court, PCE and DoC.

Planning for the next phase of engagement with key stakeholder and the public is also a priority for this preparatory phase.

Further development

The work programme is in the early stages and will continue to evolve, including firming up resource and timing. The policy workstreams are likely to change as the team gets into the detail of the panel's report, explores options and talks to other agencies and teams within MfE.

The names assigned are provisional. Given the nature of this system, scale of reform, and to ensure work satisfaction and that we are building the team, ***we will need to work with others and make links while also taking responsibility for specific pieces of work.***

Key points and actions from 24 June meeting

Attendees:

Kevin Guerin, Michelle Pawson, Lesley Baddon, Simon King, plus Stuart Brodie and Dave Karl

Key points:

- s 9(2)(f)(iv)

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RM Review work programme

Workstream	Activity	Manager	Lead	Team	Deliverables	Key connections	Timing
Governance and reporting							
Governance	Establish the Governance Group	Angus	Dave Karl		TOR ; map of programme roles/resps		24-Jun
			Dave Karl	Ross, Rebecca	Establish process - meeting schedule, process, action/decision logs		6-Jul
	Ongoing support		Dave Karl	Ross, Rebecca	Management of meetings, document management , actions/decision tracking		ongoing
	Review governance requirements for confirmed programme		Dave Karl	Ross, Rebecca	Proposed governance and TOR, protocols, process for next phase		31-Oct
	Reporting - Governance group, Te Purengi, Minister/Cabinet	Angus		Relevant workstream leads	Governance group to confirm required reporting/frequency		Ongoing
Cross agency	Establishment	Angus	Ross	Ross, Marguerite, Rebecca	Establish directors group; TOR or similar for cross agency groups at CE, DCE, Director level; process /schedule for reporting/meeting		15 July TBC
	Ongoing advice/reporting	Angus	Ross	Ross, Marguerite, Rebecca			Ongoing
Direction of reform - the 'what'							
MFE advice	Release of panel's report	Angus	Richard	Ross	Cabinet paper for decision to release report		20-Jul
	Defining the scope and direction of system reform - what are the critical policy questions to resolve? Is the panel TOR broad enough? How far can you go until LG sorted and Treaty partnership arrangements and resource allocation. How COVID-19 has changed the "landscape"	Angus	Dave- internal Joe-cross agency	Cross agency and internal group	Documents high level direction for reform programme - what is the scope/definition of the system? What are the policy and process outcomes for reform of this system? key milestones		31-Jul
	Develop options for reform: -Legislation -local govt role and structure -Treaty and role with Maori	Linley	Joe B	Richard, Alan, Will, Ross, Dave K, Peggy, Nick, Oscar	Report setting out main options for reform based on panel's recommendations, testing of the panel's recs, MFE's evaluation/response and wider MFE stewardship goals and outcomes. Feeds into the BIM; forms the basis of a discussion doc for consultation on the reforms		31 July Post election version 30 Sept?
	The following sub-workstreams inform the report setting out options for reform:						
	- Testing panel's proposals - critical friends	Linley	Tanya	Will + workstream leads	Output from workshops that inform cross-agency process and development of options		July?
	- Testing panel's proposals - internal	Linley	Richard	Will + workstream leads	Output from workshops to evaluate of Panel's proposals in light of wider MFE (and cross-agency?) perspectives and outcomes, identification of gaps, alternative approaches etc . Feeds into development of options		
	- Impact analysis - functions, capacity, capability, culture	Linley	Sarah King	Richard Hills, Alan, Alice Taylor, Claire Gregory, Marguerite, Lisa Gooch, Amberley, Peggy	Document preliminary evaluation of options in terms of implications for functions, institutions, culture capability and capacity; identify further work required		July
	- Impact analysis - impact of COVID-19	Angus	David Chittenden	Alan, Oscar	Links to cross agency process		
	- Impact analysis - costs and funding options	Angus	Lucy	Marguerite, Oscar, Alan, Alice	Document preliminary evaluation of options in terms of implications for costs and where these fall; options for funding the reforms; identify further work required		July
	- Policy inputs (see detail of work streams below)	See below for individual policy workstreams			Identify main options in each area of policy, preliminary evaluation of options; identify further work required		July
	- Scan of current MFE work programmes	Angus	TBC	TBC	Map relationship of RM reform to other work programme, potential overlaps, synergies and opportunity to share resource and expertise and leverage existing meetings and engagement		July
	Develop the BIM		Kevin Guerin	Joe, Dave	BIM		31 Aug
Delivery of reform - the 'How'							
Partnering with Maori	Developing proposed approach to working with Maori to design and implement the reforms	Kate	Dave Karl	Will Collin, Connie-May, Tanya	Document proposed process for consultation, including identification of who should be consulted and how. Initiate consultation process		
Partnering - system partners (local govt, DoC, PCE, Env Court)	Developing proposed approach to working with system partners to design and implement the reforms	Kate	David Chittenden	Richard, Lisa G, Peggy, Rebecca, Amberley	MoU or equivalent; design process and reporting		
Implementation planning and delivery	Develop implementation plan for the reform programme and set up the programme structure and process	Jeanette		Lisa A	Implementation plan and budget. In stages July for establishment of programme develop for the full programme and final post election		July; Sept/Oct
Engagement - external	Release of panel report	Angus	Prue	Alice, Rebecca, Lisa A, Kirsty	Launch and related comm		July/Aug
	Public consultation process	Angus	Prue	Alice, Rebecca, Lisa A, Kirsty	Discussion document submission in process; submission reports		Oct/Nov TBC
	Engagement with key stakeholders	Angus	Prue	Oscar, Alice, Rebecca, Lisa A, Kirsty	Stakeholder engagement and comms plan		July?
							Engagement here to feed into partnering streams (x 2) above

Policy workstreams	Giving effect to te Tiriti	Kate	Dave Karl	Will, Connie May, Tanya	Identification of alternative options + input into options assessment/testing above		
	Outcomes, targets, limits/part 2	Angus	Richard/Joe	Ross, Peggy, someone from Nicola Sole's team? someone from MFE silence	As above		
	Allocation & instruments	Angus	Richard/Joe	Oscar, Lucy Nicholas S?, someone from water?	As above		
	Strategic planning	Linley	Marguerite	Joe, Oscar, Richard	As above		
	regulatory planning, consenting and CME	Linley	Tanya	Alan/Tanya, Lisa G, Peggy, Will Amberley, Matt A?	As above		
	Role of central government	Angus	Joe Alan	Alan, Marguerite, Ross, Alice	As above		
	Integration across policy workstreams + input into resulting high-level options	Angus	Joe/Richard		Identification of an alternative package		for 30 Sept

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RM System Reform Governance Board Agenda

Tuesday 14 July 2020, 1pm, EH4A and Teams

Attendees: Janine Smith, Natasha Lewis, Jeremy Corban, Kevin Guerin, Michelle Pawson, Lesley Baddon, Simon King, Justin Strang, Jeanette Johnston

Ref	Time	Item	Comment
1	1.00	Highlights of the last week	For information (and discussion if any questions/concerns)
2	1.05	Resource management and freshwater allocation reform workshop with Minister for the Environment	For discussion
3	1.20	Engaging with Māori and other system partners	Approve paper to go to Secretary for the Environment
4	1.40	Upcoming engagement	Discussion and agreement to what upcoming engagements should be used to inform the MfE view of a future RM system
5	1.50	Governance board process <ul style="list-style-type: none"> ○ Notes/actions actions from 2 and 7 July meetings ○ Updated Governance Board Terms of Reference ○ Forward agendas 	Confirm previous meeting notes and actions Confirm updated terms of reference Confirm topics for discussion and decisions required

Item 1: Highlights of the last fortnight

The RM Review Panel Report was finalised, and delivered to Minister Parker with a cover briefing.



Item 2: Resource management and freshwater allocation reform workshop with Minister for the Environment

Purpose: For discussion

Background

A two hour workshop with Minister Parker is planned for next week. The below annotated agenda was provided to his office last week as the proposed basis for the meeting. Staff from water, resource management and the OCE met yesterday (13 July) to discuss next steps for the preparation for this meeting. The Governance Group may wish to hear about these next steps and confirm the direction they would like.

[IN CONFIDENCE]

Resource management and freshwater allocation reform: Annotated agenda for policy discussion

[Time and location to be confirmed]

Attendees: Hon David Parker (Minister for the Environment), Vicky Robertson (Secretary for the Environment), Sam Buckle (Deputy Secretary, Water and Land Use Policy), Martin Workman (Deputy Secretary, Sustainable Land Use Delivery), Janine Smith (Deputy Secretary, Natural and Built System), Lesley Baddon (Director, Natural and Built System)

Agenda items:

1. Water allocation
2. Resource management reform
3. s 9(2)(f)(iv)
4. Prioritisation and pace – Possible phasing for reform

1. Water allocation
• s 9(2)(f)(iv)
■



- s 9(2)(f)(iv)

2. Resource management reform

- The Resource Management Review Panel report includes a wide ranging set of recommendations, including repealing and replacing the RMA with the Natural and Built Environments Act, and proposes a new Strategic Planning Act to set long-term strategic goals and facilitate the integration of legislative functions across the resource management system.
- The report includes principles for allocation and notes that water allocation and local government institutions are two areas that should be thought about alongside reforming the RMA.
- Designing and embedding in a new resource management system will take time. The Panel provides a view on the transitional arrangements to get to a reformed system while noting the need to balance stability and smoothness of transition (and cost) with the need to implement reforms as soon as practicable.

3. s 9(2)(f)(iv)

- [Redacted]

4. Prioritisation and pace – Possible phasing for reform

- 9(2)(f)(iv)
- [Redacted]
- [Redacted]

IN-CONFIDENCE



Item 3: Engaging with Māori and others

Purpose: Seek agreement that the attached reflects what the Governance Board wants the Secretary for the Environment's agreement to.

s 9(2)(f)(iv) and s9(2)(g)(i)

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s 9(2)(f)(iv)

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Key points and actions from 7 July meeting

Key points

- The topic of engagement and our authorising environment was discussed.
- There was agreement that we should be engaging with Māori to inform the MfE view over the next three months, to both meet our Settlement Obligations and to fulfil our stewardship responsibilities and obligations.
- This engagement with Māori should be confirmed with the Secretary for the Environment, and the paper to do so should also include engagement with wider strategic partners.

s 9(2)
(f)(iv)

[Redacted content]

Key points and actions from 2 July meeting

Key points

- While formal Briefings for Incoming Ministers are expected to be limited in terms of substantive policy advice, work is still required to ensure MfE is well positioned to have substantive discussions with an incoming Government. It was agreed that the window to give our best advice on the future of the RM system will be small, reinforcing the need to have advice well advanced by the end of September, including clear proposed 100 day plans.
- The benefits of understanding and aligning where possible advice across agencies for an incoming government was discussed, in particular for the areas of freshwater, urban and RM system reform
- Need to ensure Terms of Reference talk about scope consistently, and that this is broader resource management system change
- Terms of Reference should also recognise that there will be times where issues that may sit in other related governance groups, (such as that for Environmental Monitoring and Reporting System reform) should be considered in parallel by this Governance Board
- The need for RM system reform to connect well across MfE was confirmed s 9(2)(f)(iv)

[Redacted content]

Regular catch-ups between key people working on both will occur.



s 9(2)(f)(iv)

s 9(2)
(f)(iv)

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s 9(2)(f)(iv)

[Redacted]

[Redacted]

[Redacted]

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- [Redacted]
- [Redacted]
- [Redacted]

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- [Redacted]
- [Redacted]

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s 9(2)(f)(iv)

[Redacted content]

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Resource Management reform Governance Board Meeting Notes

Venue	EH4A and Teams
Date and Time	14 July 2020, 1-2pm
In attendance	Janine Smith, Natasha Lewis, Kevin Guerin, Lesley Baddon, Simon King, Jeanette Johnston
Apologies	Jeremy Corban, Ann Haira, Claire Hayman, Michelle Pawson, Justin Strang, Dave Karl
Item	
1. Highlights this week	
<ul style="list-style-type: none"> Final report provided to Minister, no feedback received at this point. 	
2. Workshop with Minister for the Environment	
<ul style="list-style-type: none"> Need to understand interdependencies across the work programmes – water, system reform agenda, wider environmental responsibility. s 9(2)(f)(iv) [Redacted] Prior to the meeting with the Minister, and in order to brief the Secretary, we need a high-level indication of the phasing and sequencing of the RM reform and water programmes. Need to understand the relationship between Maori rights and interests, local government reform and three waters work programme – Jo Gascoigne working on this. Note the content on institutional arrangements has been taken out of the version approved by the Secretary. 	
3. Engaging with Maori and other system partners	
<ul style="list-style-type: none"> Paper is focused on how to use strategic high trust relationships to connect with partners on the development of MfE's advice to the incoming government. 9(2)(f)(iv) [Redacted] 9(2)(g)(i) [Redacted] Need to develop a better understanding of how to enter into the conversation rather than seeking a response to specific material. There has already been a round of regional hui with the panel to seek Maori views on what needs to change in the RM system – focus needs be on preparing for the next steps with reform and what Māori need from the Ministry to participate. This is an opportunity to be thorough about how we are going to engage in the next phase and what Maori need to participate well. 	



- The approach should be based on what we know from our existing arrangements, the learnings from co-management to date what the experience has been for those involved. and how this will inform the approach during the reform.
- Connie and Will are working on a paper that would meet provide this background and support the conversations with strategic partners. A draft will be provided to next week's meeting.
- Clarify the purpose and nature of the conversation and the timeframes for engagement before the paper goes to Vicky - how do we need to work together to achieve reforms and what can we learn from process in existing settlement? Decisions will need to be made on the which approach to use.
- s 9(2)(f)(iv) [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- Prue is preparing a paper on the communications plan that will address the appropriate comms response and key messages. This will be reported to the next meeting.

4. s 9(2)(f)(iv) [Redacted]

- [Redacted]
- [Redacted]

[Redacted]

- [Redacted]
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s 9 (2)	[Redacted]	[Redacted]	[Redacted]
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MfE view on future RM system: Proposal to engage with Māori

TO: Vicky Robertson, Secretary for the Environment

FROM: Janine Smith, Deputy Secretary Natural and Built System, on behalf of the RM Reform Programme Governance Board

Date: 17 July 2020

Context

As part of our system stewardship role, a group of people from across MfE is developing a Ministry overview of the future RM system. This will be informed by the RM Panel report (expected to be released 27 July), and will be an important input into our advice for our incoming Government.

The Panel report makes a number of recommendations on how the system should change to better provide for the Tiriti relationship and a meaningful role for Māori within the system.

The formal next steps for the review process are yet to be set but Cabinet has agreed that there will be “a broad, open process for public consultation” and that the Minister for the Environment will “direct officials to look for appropriate opportunities to collaboratively refine and co-design policy options with Māori” during the next phase of the review in line with Cabinet’s agreed Guidelines for Engaging with Māori.

Engaging with Māori

We are now at a point where we should determine how to engage Māori in the development of the MfE view on, and options for how Māori should be engaged in, the RM system reform beyond September 2020. s 9(2)(f)(v)

[Redacted]

[Redacted]

s 9(2)(g)(i)

[Redacted] s 9(2)(f)(iv)

s 9(2)(f)(iv)

[Redacted] it is important for the Ministry in its wider stewardship role to engage at this preliminary stage with Māori and other partners in the resource management system about their involvement in the future programme of system reform.

Proposed approach

We will make it clear that any engagement prior to the election is part of forming MfE views on the future system and how these system partners will be involved in the process, and does not constitute Government consultation. The engagement will focus on the reform process so far and a future process for working with Māori to design and transition to the new system.

9(2)(f)(iv)

MfE staff are developing background materials, such as a summary of existing co-governance arrangements, to support these conversations and will work with those who hold the relationships with these groups to develop suitable talking points.

We suggest that an initial conversation:

1. outline the RM reform process so far (noting how that group has already engaged on this)
2. state key issues for Māori that the panel recommendations aim to address
3. seek views on current resource management co-governance arrangements and lessons from those and elements that could be brought through to the new system (noting that Cabinet has agreed that the reform will not affect arrangements established through Treaty settlement)
4. if before 27 July, signal that the Panel report will be released shortly
5. s 9(2)(f)(iv)

Officials will also “close the loop” with Māori that the Panel engaged with by sending them a copy of the report and providing an update on the ongoing process. s 9(2)(f)(iv)

The MfE RM Reform Programme Governance Board agreed on 7 July that, subject to your approval, this engagement be undertaken. Should you agree, we would set up and prepare for these conversations.

Engaging with other strategic partners

Should you agree that we can engage externally with Māori as outlined above, we will also similarly engage with other system partners, primarily local government.

Decision sought:

9(2)(f)(iv)	Y / N
MfE to engage with our other system partners to discuss their engagement in the ongoing reform process.	Y / N



Resource Management reform Governance Board Meeting Notes

Venue	EH 1A and Teams
Date and Time	22 July 2020, 3-3.30pm
Members	Janine Smith (Convenor), Lesley Baddon, Jeremy Corban, Kevin Guerin, Simon King, Natasha Lewis
In attendance	Jeanette Johnston, Dave Karl, Nicola McFaull
Apologies	Michelle Pawson, Prue Fullerton-Smith, Justin Strang
Item	
1. Work programme	
Meeting with Minister	
<ul style="list-style-type: none"> • s 9(2)(f)(iv) [Redacted] • Work programme needs to address scope, objectives, and the enablers that need to be put in place – eg, consultation plan and impact analysis. • Alternative scenarios – choices for Minister post-election, but need for contingencies all the way through. • s 9(2)(g)(i) [Redacted] • s 9(2)(f)(iv) [Redacted] • s 9(2)(f)(iv) [Redacted] • In terms of local government it would work the other way around, ie, the RM reform team would lead this relationship within the Ministry. • Relationships established through the reference and working group established for the panel process, and existing relationships with local government and Māori which can be used during the election period. Give a heads up and prepare to work with these agencies and groups. • s 9(2)(g)(i) [Redacted] • [Redacted] • [Redacted] • [Redacted] 	
Work programme	

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<ul style="list-style-type: none"> • Next week's meeting to review of the work programme to confirm objectives of policy framework, scope of work and how this will enable delivery of what will be required in the first 100 days. • Other topics for next week's agenda include capacity and resourcing for the work programme, and monitoring and reporting.
2. Working with system partners
<ul style="list-style-type: none"> • See discussion under item 1, meeting with Minister.
3. Upcoming engagement
<ul style="list-style-type: none"> • Not discussed.
4. Governance Board process
<ul style="list-style-type: none"> • Not discussed.

s 9(2)(f)(iv) [Redacted]

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2.	s 9(2)(f)(iv)	[Redacted]	[Redacted]
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2020-C-06850 – Comprehensive review of the resource management system: releasing the Resource Management Review Panel’s final report

Talking points on additional recommendations for ENV, 23 July

Urban tree protection

- Cabinet has previously agreed that issues associated with urban tree protection be considered as part of this review [CAB-18-MIN-0485.01 refers].
- The current law only allows trees on “urban environment allotments” to be protected in a District Plan if the trees are described and the allotment or allotments the trees are on are specifically identified.
- This is a result of new subsections (4A) to (4D) inserted into section 76 of the RMA by the previous government.
- The stated rationale for these changes was that resource consenting requirements for pruning and felling trees, particularly in Auckland, had become too onerous.

How the Panel addressed urban tree protection

- The Panel’s terms of reference did not call for a complete rewrite of the RMA, but indicative solutions should be provided that can be used for completion of that task.
- I understand that the Panel reviewed all parts of the existing RMA, including section 76 relating to urban tree protection.
- This informed the r conclusion in that the existing legislation is not fit for purpose and should be repealed and replaced (Chapter 15, Recommendation 1).
- The Panel’s report does not make specific recommendations about urban tree protection as it was anticipated to be picked up during the next phase of detailed policy development.
- However, to ensure this work important work is appropriately prioritised, I recommend the inclusion of a further recommendation directing officials to begin policy development on urban tree protection immediately.

Suggested recommendation on urban tree protection

- **Agree** that officials begin further policy work on issues relating to urban tree protection

Engaging local government

- The Panel's report includes a number of proposals that would have implications for the roles and functions of local government.
- It will take time to work through and understand the impact of these proposals.
- It will also take time to understand the impact of COVID-19 on the capacity of local government.
- Therefore early engagement with local government on the Panel's proposals will enable us to test their views ahead of deciding how to progress the findings of the review.
- I propose that my officials start discussing the Panel's report with local government following its release.
- This engagement will be on the basis that all decisions on how to progress these proposals will be made by the incoming government.
- I propose that an additional recommendation is included agreeing to this engagement.

Suggested recommendation on engaging local government

- **Agree** that officials begin high level engagement with local government on the proposals in the Panel's report following its release

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Resource Management reform Governance Board Meeting Notes

Venue	EH 4B and Teams
Date and Time	28 July 2020, 1.00-2.00pm
Members	Janine Smith (Convenor), Lesley Baddon, Jeremy Corban, Kevin Guerin, Simon King, Natasha Lewis, Michelle Pawson.
In attendance	Jeanette Johnston, Dave Karl, Prue Fullerton-Smith, Nicola McFaull
Apologies	Justin Strang
Item	
1. Governance and decision-making	
<ul style="list-style-type: none"> • Clarity around purpose of governance group – focus on capability to deliver for 100 day work programme. Will need to consider appropriate governance arrangements for the programme beyond the first 100 days. • Connection with project to deliver the AIM – Natasha can provide key messages/questions on RM reform to this group, such as where is the RM reform and allocation going to fit within this process? • Consider appropriate frequency to maintain momentum – agreed to keep weekly meeting in a diary for informal conversation and direction with a formal meeting and reporting fortnightly. • Book time for Janine and directors to confirm agenda prior to meetings. 	
2. Outcomes and impact	
<ul style="list-style-type: none"> • Deferred to next week. 	
3. Scope of RM reform programme	
<ul style="list-style-type: none"> • See discussion in item 4. 	
4. Planning for first 100 days and beyond	
<ul style="list-style-type: none"> • 9(2)(f)(iv) [Redacted] • Could go to legislative design committee for direction on approach to the legislative programme • Bring in expertise to help with drafting instructions. • 9(2)(f)(iv) [Redacted] 	



- s 9(2)(f)(iv) [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

5. Communication and engagement

- Engagement plan and related documents noted.

6. Governance Board process

- Discussed in item 1.

s 9(2)(f)(iv) [Redacted]

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■	s 9(2)(f)(iv)		
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Talking points for meeting with Minister Parker and the Treasury on the RM Review Panel report, 3 August 2020

Context

- Significant resource management system reform as proposed by the RM Panel will be a resource intensive exercise for both central and local government.

- s 9(2)(f)(iv) [redacted]
[redacted]
[redacted]
- [redacted]
[redacted]
[redacted]

Talking points

- Further resource management reform is crucial to delivery of the government's ambitions for a sustainable, productive and inclusive economy. It is core to addressing the housing crisis, regional and infrastructure development and environmental protection – all major government priorities.
- RM reform is now broadly supported across the political spectrum, and among both development and environment interests. This was seen in the immediate stakeholder response to the Panel's report, and is an important opportunity.

s 9(2)(g)(i) [redacted]

- [redacted]
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s 9(2)(g)(i) [redacted]

- [redacted]
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There may be some questioning of whether agencies are sufficiently resourced to progress a reform of this scale..

- Our view is that the public sector is now better placed than ever to advance significant resource management reform. The Panel's report is the culmination of many years of work, and is a good starting point for further policy development.

On Treasury's role in further developing the Strategic Planning Act...

- The Strategic Planning Act aims to develop long-term plans for infrastructure, land use, and environmental protection
- s 9(2)(f)(iv) [redacted]
[redacted]

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- s 9(2)(f)(iv) [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

Results sought from the meeting

- s 9(2)(g)(i) [Redacted]
- s 9(2)(f)(iv) [Redacted]
- [Redacted]

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Meeting note to discuss the Resource Management Review Panel's recommendations for a Strategic Planning Act

Date Submitted:	4 August 2020	Tracking #: 2020-B-07080	
Security Level	In confidence	MfE Priority:	Urgent

	Action sought:	Response by:
To Hon David Parker, Minister for the Environment	Read before meeting	5 August 2020
CC Hon Chris Hipkins, Minister of State Services	Read before meeting	5 August 2020

Actions for Minister's Office Staff	Forward the briefing to Hon Chris Hipkins. Return the signed briefing to MfE.
Number of appendices and attachments # 2	Titles of appendices and attachments (ie separate attached documents): 1. Excerpts from the Panel's report on the proposed Strategic Planning Act 2. Potential governance arrangements for developing the proposed Strategic Planning Act

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Author	Marguerite Quin	027 241 8055	
Director	Lesley Baddon	021 738 357	✓
Deputy Secretary	Janine Smith	021 144 7617	

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Meeting note to discuss the Resource Management Review Panel's recommendations for a Strategic Planning Act

Key Messages

1. This briefing provides background information on the proposed Strategic Planning Act recommended by the Resource Management Review Panel (the Panel). It also provides information about potential governance arrangements to develop the Strategic Planning Act.
2. The key recommendations made by the Panel on strategic integration and spatial planning are included in Appendix 1. A diagram of potential governance arrangements is included as Appendix 2.

Summary of Panel's proposals relating to strategic integration and spatial planning

3. The Panel's report was publicly released on 29 July 2020. The report sets out proposals for comprehensive reform of New Zealand's resource management system for the Government to consider.
4. The Panel recommended three new Acts. A Natural and Built Environments Act (NBA) to replace the Resource Management Act, a Strategic Planning Act and a Managed Retreat and Climate Change Adaptation Act. These would work together as a cohesive package.
5. The purpose of the proposed Strategic Planning Act would be to promote the social, economic, environmental and cultural wellbeing of present and future generations through the strategic integration of functions across the NBA, Local Government Act (LGA), Land Transport Management Act (LTMA) and the Climate Change Response Act (CCRA).
6. Spatial strategies would identify long-term objectives for urban growth and land use change, responses to climate change, and areas where development would be inappropriate. They would be required for all regions¹ with provision for Ministers to prioritise and sequence their development. Joint committees with members from central government, councils of the region and mana whenua would develop and approve the spatial strategies in consultation with stakeholders and communities.
7. Spatial strategies would need to be consistent with national direction under the NBA, the national adaptation plan under the CCRA and government policy statements. Spatial strategies would have strong influence on resource management plans under the NBA and council plans under the LGA and LTMA. Through these links to other statutes, the Strategic Planning Act would enable land and resource planning to be better integrated with the provision of infrastructure as well as associated funding and investment.
8. The Panel considered the Strategic Planning Act would provide a powerful tool for advancing the long-term planning that is vital to both environmental protection and development.
9. Appendix 1 provides further information about the proposed Strategic Planning Act.

Governance arrangements to develop the Strategic Planning Act

10. The proposed Strategic Planning Act would affect decision-making under multiple Acts, including the NBA, CCRA, LGA and LTMA. It would build on joint-spatial plans being progressed under the Urban Growth Agenda; however, the Panel's proposals would apply to all regions in New Zealand not just large or fast growing urban areas.
11. Due to the proposed Strategic Planning Act's impacts across the resource management system, the Ministry for the Environment supports a cross-agency approach to its

¹ The Panel recommended there be flexibility for inter-regional processes and particular focus on parts of a region.

development. The other Ministers and agencies with the strongest interest are:

- Local Government, Department of Internal Affairs – responsible for the LGA
- Transport, Ministry of Transport – responsible for the LTMA
- Urban Development, Ministry of Housing and Urban Development – overall lead for the urban growth partnerships.

12. A wider group of Ministers and agencies would also have a significant interest in the development of the proposed Strategic Planning Act. For example, these would include Māori Crown Relations, Housing, Climate Change, Primary Industries, Conservation, Infrastructure, Education, Health and more. The New Zealand Transport Agency also has significant on the ground experience in spatial planning processes we could draw on.
13. Appendix 2 illustrates some potential governance arrangements the Ministry has developed for developing the proposed Strategic Planning Act. It is likely a similar arrangement would be appropriate for delivery of the Act.

Link to Ministry's work on an environmental responsibility framework

14. As previously discussed with you, as part of a series of think piece papers around new thinking on environmental policy, the Ministry for the Environment has been exploring macro-policy settings. ^{9(2)(f)(iv)}



Recommendations

15. We recommend that you:
- a. **Note** the contents of this briefing ahead of your meeting on Wednesday 5 August

Signature

Lesley Baddon
Director
Natural and Built Systems

Hon David Parker
Minister for the Environment

Date

Appendix 1: Excerpts from the Panel's report on the proposed Strategic Planning Act

Key recommendations

Key recommendations – Strategic integration and spatial planning

- 1 There should be a new Strategic Planning Act to promote the social, economic, environmental and cultural wellbeing of present and future generations through the long-term strategic integration of functions exercised under the Natural and Built Environments Act, LGA, LTMA and CCRA.
- 2 The Strategic Planning Act should provide a framework for mandatory regional spatial planning for both land and the coastal marine area.
- 3 Regional spatial strategies should set long-term objectives for urban growth and land use change, responding to climate change, and identifying areas inappropriate to develop for reasons such as their natural values or their importance to Māori.
- 4 There should be flexibility for:
 - (i) the responsible Minister to determine sequencing, timing and priorities for preparation of these strategies
 - (ii) spatial strategies to cover two or more regions or to focus on sub-regions in response to particular issues.
- 5 Regional spatial strategies should set a strategic direction for at least the next 30 years, informed by longer-term data and evidence as appropriate, such as 100 year plus projections for climate change.
- 6 Regional spatial strategies should be strategic and high level with project and site-level detail provided through separate implementation agreements and subsequent combined planning and funding processes.
- 7 Regional spatial strategies should be prepared and approved by a joint committee comprising representatives of central government, the regional council, all constituent territorial authorities in the region, mana whenua and an independent chair.
- 8 There should be significant stakeholder and community involvement in the preparation of these strategies, including through public submissions and a process similar to the special consultative procedure under the Local Government Act.
- 9 Joint committees should seek consensus, but dispute resolution procedures should be provided including a facilitated mediation process and power for the Minister to resolve any remaining disputes.
- 10 Regional spatial strategies should be consistent with national direction under the Natural and Built Environments Act.
- 11 Combined plans and regional and local funding plans should be consistent with spatial strategies.
- 12 Regional spatial strategies should be fully reviewed at least every nine years with flexibility for review within that period when required.

Design parameters for Strategic Planning Act

Design parameters	Preferred model
Purpose	<p>Purpose</p> <p>The purpose of this Act is to promote the social, economic, environmental and cultural wellbeing of present and future generations through the long-term strategic integration of functions exercised under specified legislation in relation to:</p> <ul style="list-style-type: none"> (a) the use, development, protection and enhancement of the natural and built environments; (b) the provision of infrastructure and services and associated funding and investment; (c) the relationship of iwi, hapū and whānau and their culture and traditions with natural and built environments; and (d) responses to climate change including the reduction of greenhouse gas emissions, reduction of risks from natural hazards and the use of adaptation measures. <p>Specified legislation means enactments specified in Schedule 1.</p> <p>Schedule 1</p> <p>Enactments subject to this Act</p> <p>Natural and Built Environments Act Local Government Act 2002 Land Transport Management Act 2003 Climate Change Response Act 2002</p>
Scope	<p>Broad: Spatial strategies encompass planning (both for land use and in the coastal marine area), protection and enhancement of the natural environment, the provision of infrastructure, and associated funding and investment. They also encompass the spatial aspects of social and economic development</p> <p>Spatial strategies have effect across the Natural and Built Environments Act, LGA, LTMA and wider infrastructure provision by central government</p>
Timescale	Long-term: at least 30 years, informed by longer-term data and evidence as appropriate, including 100 plus year projections for climate change
Geographical scale	The default geographical scale is current regional boundaries. However, there is flexibility for inter-regional processes and particular focus on parts of a region
Regional application	Mandatory for all regions, but the responsible Minister can prioritise and sequence.
Application of regional spatial strategies to the coastal marine area (CMA)	Regional boundaries include the CMA. Spatial plans include the CMA and must be 'consistent with' the NZCPS

Design parameters	Preferred model
Provision for a national priorities statement	<p>To enable coordination across central government and transparency with regard to engagement with local government, a national priorities statement would set out:</p> <ul style="list-style-type: none"> any intended sequence in which central government intends to engage in the development of regional spatial strategies any particular areas central government intends to promote or address through regional spatial strategies (for example, climate change adaptation and urban development). Focus areas might be tailored to the characteristics of particular regions expectations about inter-regional processes to address cross-boundary issues
Legislative design	A new Strategic Planning Act
Links to legislative purposes and national instruments	<p>Regional spatial strategies to be 'consistent with':</p> <ul style="list-style-type: none"> the purposes of the Natural and Built Environments Act, LGA and LTMA national policy statements and national environmental standards under the Natural and Built Environments Act the national adaptation plan under the CCRA government policy statements, including on land transport and housing and urban development <p>Regional spatial strategies are to 'take into account' other relevant national strategies, including the Emissions Reduction Plan under the CCRA and the Infrastructure Commission's 30-year national infrastructure strategy</p>
Influence over regulatory and funding plans	Strong: Natural and Built Environments Act combined plans, LGA infrastructure strategies, long-term plans and annual plans, and LTMA regional land transport plans required to be 'consistent with' the spatial strategy
Specified content	<p>Regional spatial strategies should:</p> <ul style="list-style-type: none"> set long-term objectives and strategies to improve the quality of the natural and built environments, provide sufficient development capacity, promote Māori interests and values, promote the sustainable use of rural land, protect historic heritage, address natural hazards and climate change mitigation and adaptation illustrate the need to protect certain areas from development due to their economic, environmental or cultural value ensure that development is avoided or carefully considered in areas subject to constraints, such as natural hazards and coastal inundation (consistent with national direction under the Natural and Built Environments Act and the national adaptation plan under the CCRA) identify areas where significant land use change is required for climate change mitigation and adaptation identify areas where significant land use change is required to reduce impacts of activities, land use and development on lakes, rivers, wetlands and the marine environment identify additional development capacity required to accommodate growth and areas suitable for future development and intensification (consistent with national direction and government policy statements) establish the need for new infrastructure corridors, major social infrastructure and other strategic investments (consistent with

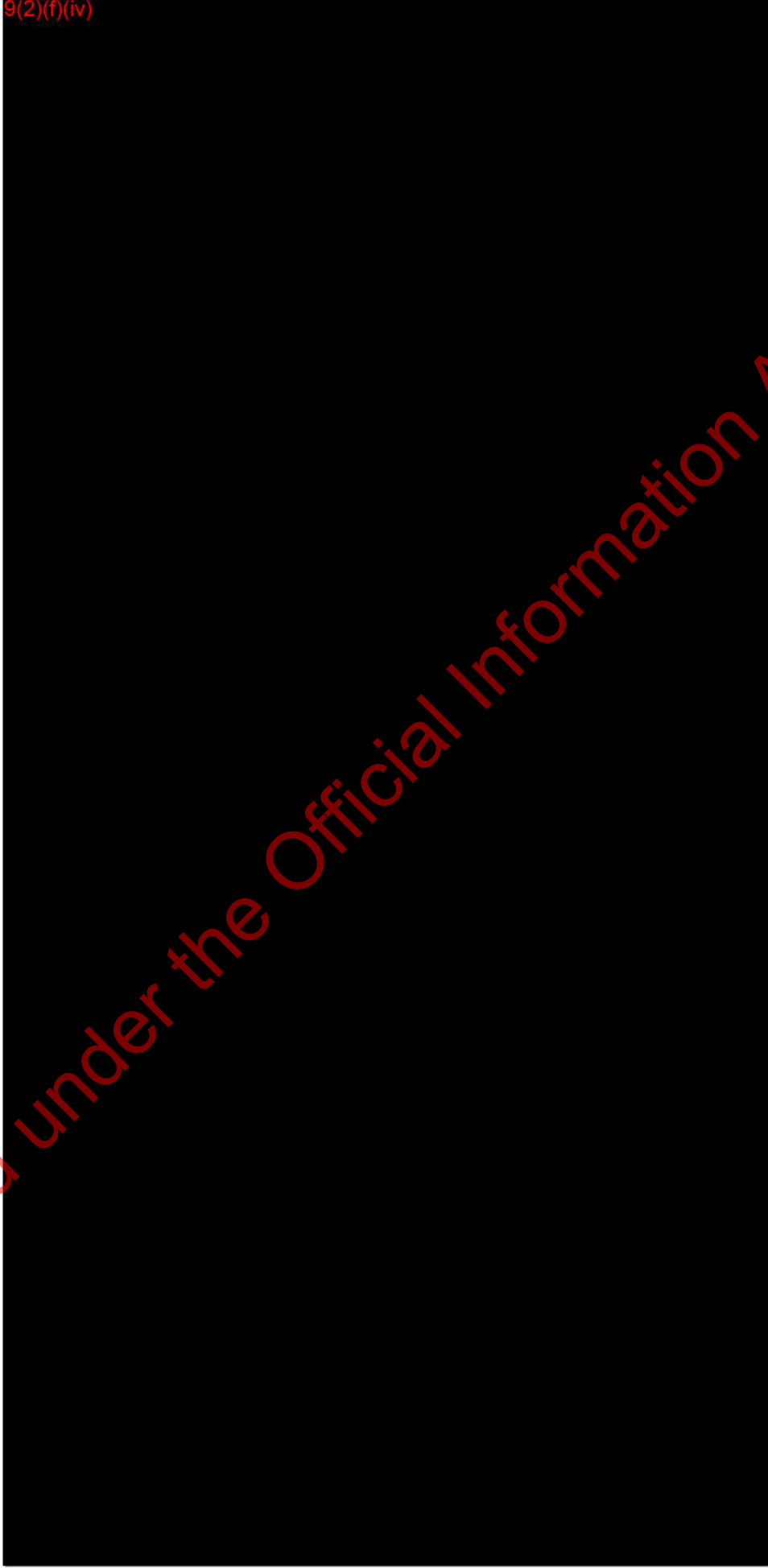
Design parameters	Preferred model
	<p>government policy statements and informed by the Infrastructure Commission's national infrastructure strategy)</p> <ul style="list-style-type: none"> • identify opportunities to make better use of existing infrastructure networks • establish the need for new regionally significant recreational or community facilities • illustrate options or scenarios (with indicative costs and timing) that reconcile these different opportunities and challenges
Focus and level of detail	<p>Strategic and high level:</p> <ul style="list-style-type: none"> • describes graphically at a high level how limits and targets set through national direction and combined planning processes might be implemented through the regional spatial strategy, for example, blue green networks • includes future infrastructure corridors (ie, a major new public transport corridor like the City Rail Link, or a major new road like Transmission Gully) and indicative locations for future social infrastructure, such as hospitals and schools • includes consideration of measures to maximise the existing capacity of infrastructure networks • does not include detailed information about infrastructure project design, costs or timing. However, this would be progressed in an implementation agreement developed alongside or following the spatial strategy
Separate implementation agreement	<p>A separate implementation agreement would provide an easily updated means of prioritising certain projects arising from a spatial strategy. For example:</p> <ul style="list-style-type: none"> • agreement to progress a more detailed options analysis or a business case for certain major infrastructure projects, or measures to make better use of existing networks • agreement to progress a more detailed options analysis or a business case for certain other projects (ie, large scale environmental remediation projects) • agreement to a funding share between central and local government for certain initiatives <p>The implementation agreement would be progressed through central and local government budget processes</p>
Accountability and governance	<p>Governing bodies (eg, joint committees) with members from central government, councils of the region and mana whenua to be responsible for the development, approval and implementation of spatial strategies</p>
Chair	<p>Independent expert (ie, not a central or local government or mana whenua representative)</p>
Decision-making	<p>Consensus, with facilitated mediation and power for the responsible Minister or Ministers to resolve disputes</p>
Stakeholder and public participation	<p>Significant stakeholder involvement, including representation on working groups</p> <p>Public consultation designed to reach a diverse range of people in the community. Includes use of special consultative procedure in the LGA, modified as necessary</p>

Design parameters	Preferred model
Independent review	Independent review of draft regional spatial strategies by a suitably qualified expert appointed by the governing body, with the reviewer to make recommendations to the governing body
Review frequency	A requirement for a full review 'at least every nine years', with flexibility to review in full or in part within the nine-year period to make adjustments in response to significant change
Monitoring and oversight requirements	Central and local government to be primarily responsible for implementation and monitoring. PCE to audit and report on the effectiveness of spatial strategies across New Zealand in achieving system outcomes

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Appendix 2: Potential governance arrangements for developing the proposed Strategic Planning Act

9(2)(f)(iv)



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Resource Management Reform Governance Board Agenda

Venue	EH Ground and Teams
Date and Time	4 August 2020, 3.45-4.15 pm
Members	Janine Smith (Convenor), Lesley Baddon, Jeremy Corban, Kevin Guerin, Natasha Lewis, Michelle Pawson, Justin Strang
In attendance	Jeanette Johnston, Dave Karl, Lucy Groenhart
Apologies	

Item		
1. Outcomes and impacts	3.45	Lucy
<ul style="list-style-type: none"> Policy framework and impact analysis workplan 		
2. RM reform programme scope and resourcing	3.55	Lesley, Dave, JJ
<ul style="list-style-type: none"> s 9(2)(f)(iv) [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] 		

Attachments

1.	Policy framework and impact analysis		Item 1
2.	Immediate and longer term resource needs		Item 2
3.	Legal support - email to Kirsty Millard - see below		Item 2
4.	Minutes of 28 July		

Email from Simon King to Kirsty Millard on resourcing development of RM legislation

Hi Kirsty

As discussed yesterday, we have been thinking about how to hit the ground running with the drafting process if an incoming government chooses to go hard on RM reform next term – and initial responses to the Panel's report suggests that they might. Janine's internal RM Governance Board asked us to get your team's perspective on how we could resource developing the leg.



The Panel's proposals provide 533 pages worth of starting point but are not drafting instructions s 9(2)(g)(i)

The Panel have helpfully provided a detailed outline to potentially design strategic planning leg from at Appendix 3, and an outline structure for the Natural and Built Environment Act in Chapter 15 on Reducing Complexity. There are also pockets of indicative drafting, including a complete replacement for the current Part 2.

In addition, the working group on reducing complexity assessed large portions of the existing act to determine what could be kept, what needed to be refreshed and what could be removed entirely. The working group report is attached and included Briar from PCO, Ken Palmer, Bronwyn Carruthers and others. It was pivotal in influencing the Panel's rec to repeal and replace the existing RMA.

s 9(2)(f)(iv)

So...

- Are changes needed to the broad approach outlined above?
- Who are the key individuals we would want to help with the task of coming up with the pipeline and commissioning the externals?
- Is there anything preventing us from tendering before the election?

Will leave it to you from here

Simon

Simon King

Director – Natural and Built System

Ministry for the Environment – Manatu Mo Te Taiao

Mobile: 022 047 5541 Email: Simon.King@mfe.govt.nz Website: www.mfe.govt.nz

23 Kate Sheppard Place, Thorndon, Wellington 6143

s 9(2)(f)(iv)

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s 9 (2) (f) (i v)	[Redacted]	[Redacted]	[Redacted]
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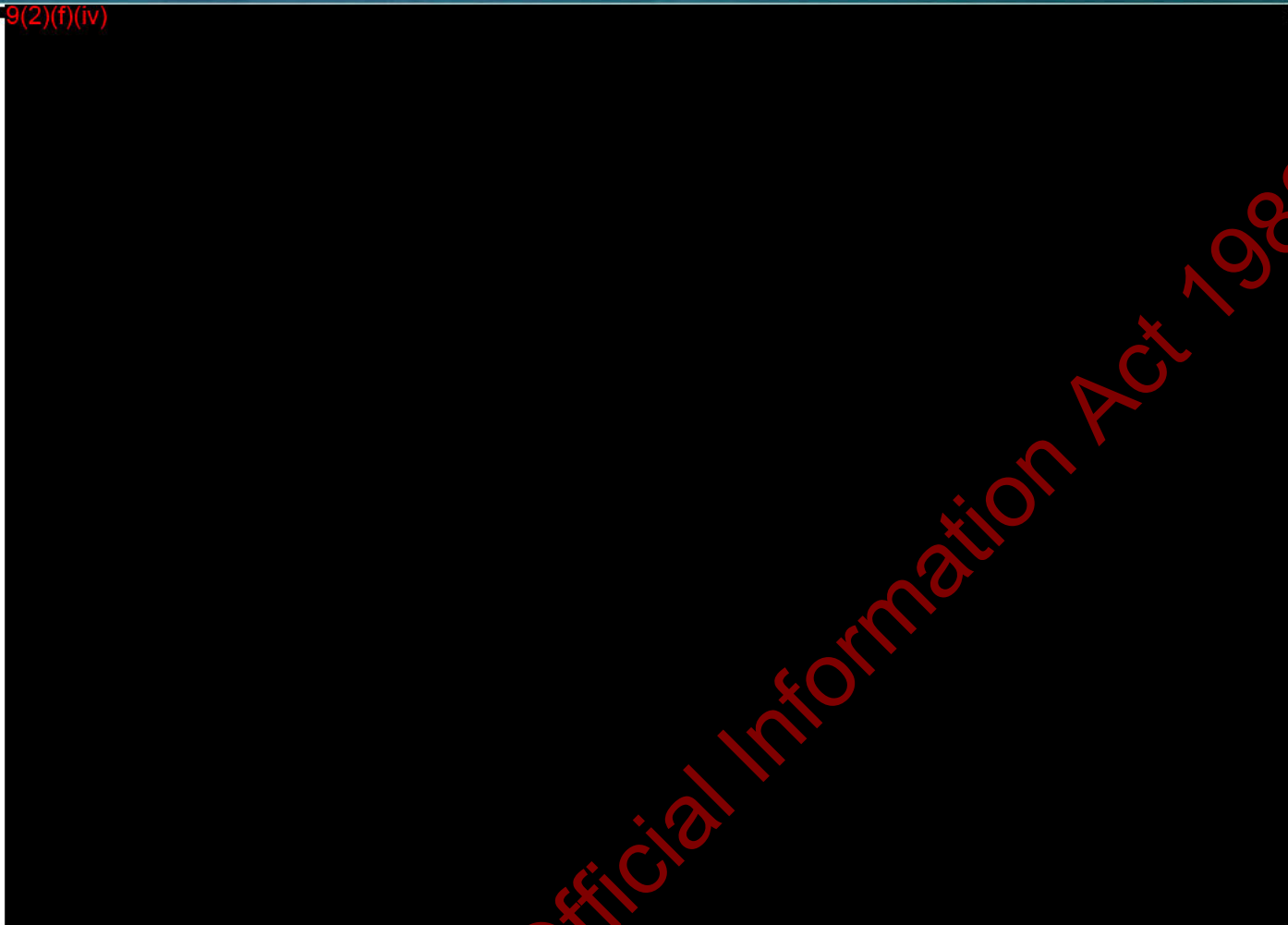
Resource Management reform Governance Board Meeting Notes

Venue	EH Groundand Teams
Date and Time	4 August 2020, 3.45-4.15pm
Members	Janine Smith (Convenor), Lesley Baddon, Jeremy Corban, Kevin Guerin, Simon King, Natasha Lewis, Michelle Pawson, Justin Strang
In attendance	Jeanette Johnston, Dave Karl, Lucy Groenhart
Apologies	
Item	
1. Outcomes and impact	
<ul style="list-style-type: none">Overview of policy framework and approach to impact analysis received but not discussed.	
2. RM reform programme – scope and resourcing	
<ul style="list-style-type: none">9(2)(f)(iv) [Redacted][Redacted][Redacted][Redacted][Redacted][Redacted][Redacted][Redacted][Redacted][Redacted][Redacted]	

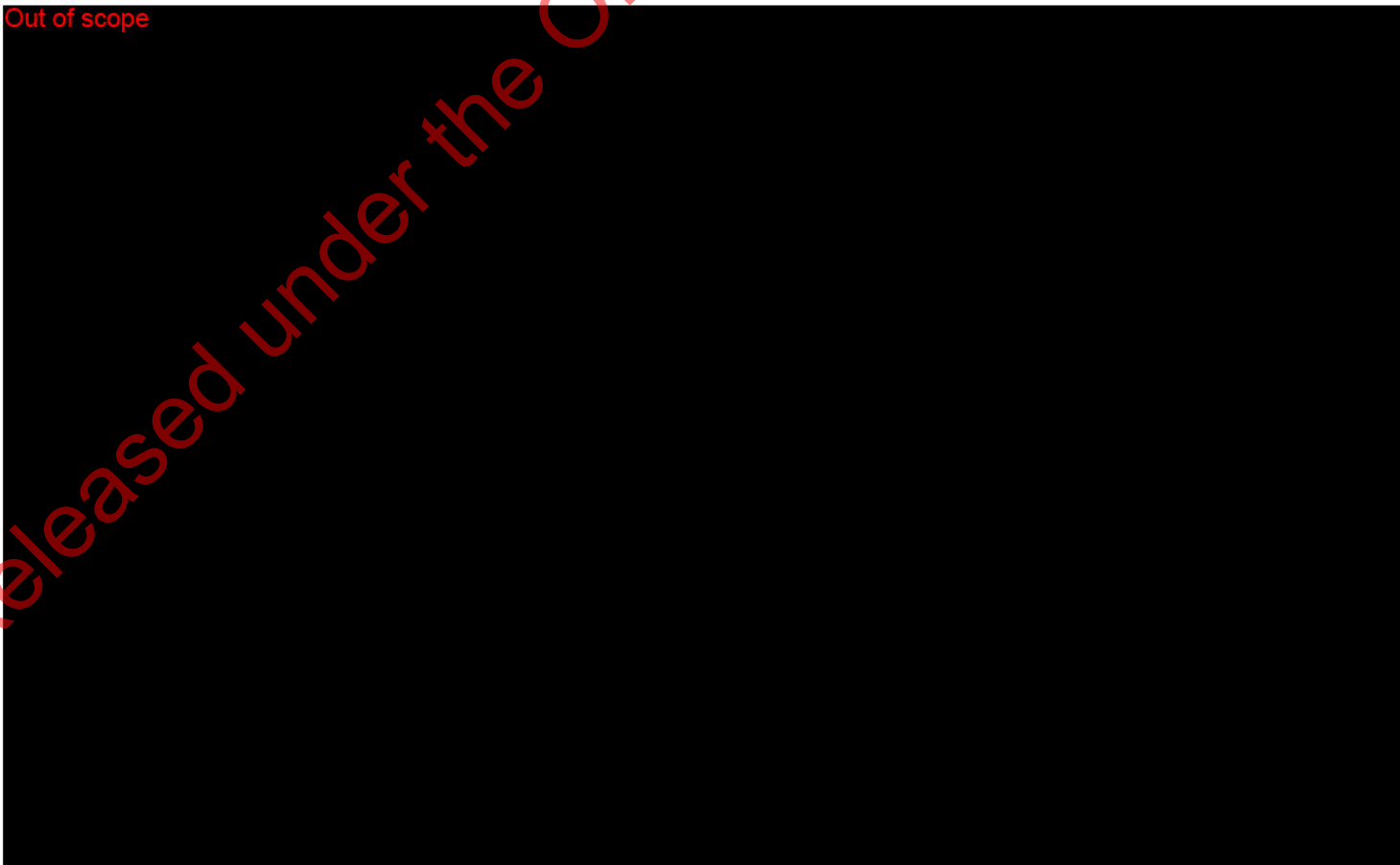
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9(2)(f)(iv)



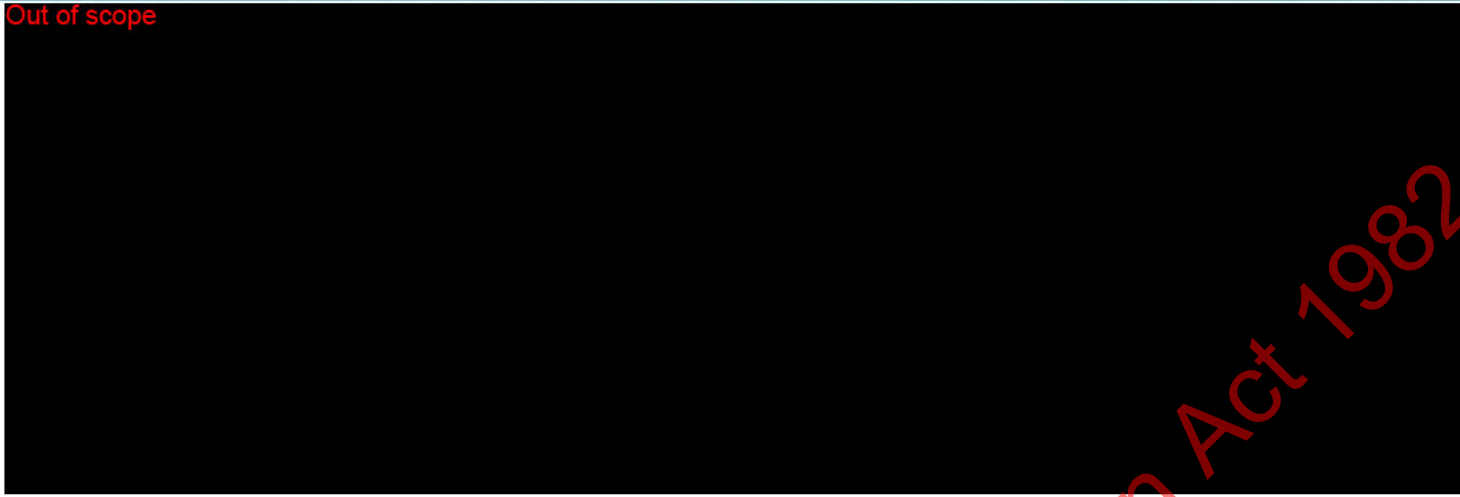
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Out of scope



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Talking points for BUS and Sustainability DCEs meeting, 6 August 2020

Background information

You are scheduled to attend the combined Built and Urban System (BUS) and Sustainability DCEs meeting on 6 August. The agenda for the meeting includes a 20 minute discussion on the comprehensive review of the resource management system.

What you want to get out of this discussion:

- Bring DCEs up to speed on next steps for the review
- Gauge DCE's interest and appetite for being involved in the next phase
- Agree in principle to the formation of a cross-agency group to help progress the work

DCEs have been provided with a summary of the Resource Management Review Panel's report and its recommendations.

There is a further DCEs meeting scheduled for 26 August. That will be the final meeting before the general election.

Talking points for RM Review agenda item

The release of the report

- Minister Parker released the RM Review Panel's report on 29 July. Coverage and reaction to the report has largely been positive.
- However, it will take time for people to properly consider the Panel's recommendations and we will continue to test reactions to the report over the next couple of months

MfE's work programme for the next phase of the review

- Based on initial cross-party reaction to the Panel's report, we anticipate significant legislative reform to the RMA over the next parliamentary term at a minimum.
- Minister Parker is very motivated to move quickly on the next phase of the review should he return as Minister for the Environment following the election.

- 9(2)(f)(iv) [REDACTED]

- To hit the ground running MfE is developing a work programme across 3 areas:
 - Forming a view on the Panel's proposals and developing an impact analysis
 - Preparing advice to the incoming government on the Panel's report
 - Preparing ourselves to progress the legislative design of a new system within the first 100 days

- We anticipate this could involve:

- 9(2)(f)(iv) [REDACTED]

- 9(2)(f)(iv) [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

Requesting support from DCEs to help us progress the work

- There is a big opportunity to make real progress on the framework of a new resource management system in the next term of government
- The impacts across government will be significant and we will need help and input from all of you
- The development of spatial planning legislation in particular will require us to work closely together
- s 9(2)(f)(iv) [Redacted]
- [Redacted]
- 9(2)(f)(iv) [Redacted]
- [Redacted]
- [Redacted]
- s 9(2)(f)(iv) [Redacted]
- We will also be able to draw upon the experience and connections developed through the Urban Growth Agenda programme, including Ministers' and officials groups.

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